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Commission on Crime Prevention and Criminal Justice

Report on the fourteenth session (23-27 May 2005)

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Note

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

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Chapter I

Matters calling for action by the Economic and Social Council or brought to its attention

A. Draft resolutions to be recommended by the Economic and Social Council for adoption by the General Assembly

1. The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the approval of the following draft resolutions for adoption by the General Assembly:

Draft resolution I

Model bilateral agreement on the sharing of confiscated proceeds of crime or property covered by the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988

The General Assembly,

Recalling Economic and Social Council resolution 2004/24 of 21 July 2004,

Recalling also the United Nations Convention against Transnational Organized Crime[1] and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,[2]

Recalling further the meeting of the intergovernmental expert group to prepare a draft model bilateral agreement on disposal of confiscated proceeds of crime covered by the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, held in Vienna from 26 to 28 January 2005[3] with extrabudgetary resources provided for that purpose by the Government of the United States of America,

Convinced that a model bilateral agreement on sharing confiscated proceeds of crime or property could be a useful tool to facilitate greater international cooperation in that area, being one of the principal objectives of the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,

Noting the importance of the reference in article 3 of the Model Bilateral Agreement on the Sharing of Confiscated Proceeds of Crime or Property to article 14, paragraph 2, of the United Nations Convention against Transnational Organized Crime, in which it is stated that States parties shall, to the extent

[1] General Assembly resolution 55/25, annex I.
[2] United Nations, *Treaty Series*, vol. 1582, No. 27627.
[3] E/CN.15/2005/7.

permitted by domestic law, give priority consideration to returning the confiscated proceeds of crime or property to the requesting State party so that it can give compensation to the victims of the crime or return such proceeds of crime or property to their legitimate owners,

1. *Expresses its appreciation* to the intergovernmental expert group to prepare a draft model bilateral agreement on disposal of confiscated proceeds of crime covered by the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 for having prepared the draft model bilateral agreement on the sharing of confiscated proceeds of crime or property;

2. *Adopts* the Model Bilateral Agreement on the Sharing of Confiscated Proceeds of Crime or Property, annexed to the present resolution, as a useful model that could be of assistance to States interested in negotiating and concluding bilateral agreements to facilitate the sharing of proceeds of crime;

3. *Stresses* that the Model Bilateral Agreement will not prejudice the principles set forth in the United Nations Convention against Corruption[4] or the development, at a later stage, of any appropriate mechanism to facilitate the implementation of that Convention;

4. *Invites* Member States, in concluding agreements with other States in the area of sharing proceeds of crime pursuant to article 14 of the United Nations Convention against Transnational Organized Crime and article 5 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 or in revising, where necessary or useful, existing bilateral agreements in that area, to take into account the Model Bilateral Agreement;

5. *Requests* the Secretary-General to bring to the attention of Member States the present resolution, together with the Model Bilateral Agreement;

6. *Encourages* Member States to inform the Secretary-General voluntarily of efforts undertaken in the area of sharing confiscated proceeds of crime or property, in particular the establishment of agreements in that area;

7. *Requests* the United Nations Office on Drugs and Crime to convey to the Commission on Crime Prevention and Criminal Justice information regarding efforts undertaken by Member States in the area of sharing confiscated proceeds of crime or property;

8. *Also requests* the United Nations Office on Drugs and Crime to provide to Member States, at their request, technical assistance and advice, within available extrabudgetary resources, not excluding the use of existing resources from the regular budget of the United Nations Office on Drugs and Crime,[5] to give effect to the arrangements to be made pursuant to agreements to be negotiated on the basis of the Model Bilateral Agreement.

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[4] General Assembly resolution 58/4, annex.

[5] This new language does not provide a basis for an increase in the regular budget or requests for supplemental increases.

Annex

Model Bilateral Agreement on the Sharing of Confiscated Proceeds of Crime or Property[6]

Agreement between the Government of _____
and
the Government of _____
regarding the sharing of confiscated proceeds of crime or property

The Government of _____ and the Government of _____ (hereinafter referred to as "the Parties"),

Recalling the United Nations Convention against Transnational Organized Crime,[7] in particular its article 12, paragraph 1, and articles 13 and 14,

Recalling also the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,[8] in particular article 5, paragraphs 1, 4 and 5,

Recognizing that this Agreement should not prejudice the principles set forth in the United Nations Convention against Corruption[9] or the development, at a later stage, of any appropriate mechanism to facilitate the implementation of that Convention,

Reaffirming that nothing in the provisions of this Agreement should prejudice in any way the provisions and the principles on international cooperation set forth in the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 and the United Nations Convention against Transnational Organized Crime, and that this Agreement is intended to enhance the effectiveness of international cooperation envisioned in those Conventions,

Considering [*reference to a treaty on mutual legal assistance if one exists between the Parties*],

Desiring to create an appropriate framework for sharing confiscated proceeds of crime or property,

Have agreed as follows:

Article 1
Definitions

For the purposes of this Agreement:

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[6] The present model agreement may be useful for the implementation of other relevant instruments developed in multilateral forums to which the parties to the agreement may also be parties, such as the International Convention for the Suppression of the Financing of Terrorism (General Assembly resolution 54/109, annex) and the Forty Recommendations of the Financial Action Task Force against Money Laundering.

[7] General Assembly resolution 55/25, annex I.

[8] United Nations, *Treaty Series*, vol. 1582, No. 27627

[9] General Assembly resolution 58/4, annex.

(a) The terms "proceeds of crime", "confiscation" and "property" shall be understood as defined in article 2 of the United Nations Convention against Transnational Organized Crime and article 1 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;

(b) "Cooperation" shall mean any assistance described in articles 13, 16, 18-20, 26 and 27 of the United Nations Convention against Transnational Organized Crime or article 5, paragraph 4, and articles 6, 7, 9-11 and 17 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, as well as cooperation between entities foreseen in article 7 of the United Nations Convention against Transnational Organized Crime, which has been given by one Party and which has contributed to, or facilitated, confiscation of proceeds of crime or property.

Article 2
Scope of application

This Agreement is intended solely for the purposes of mutual assistance between the Parties.

Article 3
Circumstances in which confiscated proceeds of crime or property [may] [shall] be shared

Where a Party is in possession of confiscated proceeds of crime or property and has cooperated with, or received cooperation from, the other Party, it [may] [shall] share such proceeds of crime or property with the other Party, in accordance with this Agreement, without prejudice to the principles enumerated in article 14, paragraphs 1, 2 and 3 (a), of the United Nations Convention against Transnational Organized Crime and article 5, paragraph 5 (b) (i), of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.[10]

Article 4
Requests for sharing confiscated proceeds of crime or property

1. A request for sharing confiscated proceeds of crime or property shall be made within a time limit to be agreed between the Parties, shall set out the circumstances of the cooperation to which it relates and shall include sufficient details to identify the case, the confiscated proceeds of crime or property and the agency or agencies involved or such other information as may be agreed between the Parties.

Option 1

[2. On receipt of a request for sharing confiscated proceeds of crime or property made in accordance with the provisions of this article, the Party where confiscated proceeds of crime or property are located shall consider, in consultation with the other Party, whether to share such proceeds of crime or property, as set out in article 3 of this Agreement.]

[10] It may be necessary to insert a specific provision in the agreement regarding the return of works of art of archaeological objects that have been purchased or exported illegally from their country of origin.

Option 2

[2. On receipt of a request for sharing confiscated proceeds of crime or property made in accordance with the provisions of this article, the Party where confiscated proceeds of crime or property are located shall share with the other Party such proceeds of crime or property, as set out in article 3 of this Agreement.]

Article 5
Sharing of confiscated proceeds of crime or property

Option 1

[1. Where a Party proposes to share confiscated proceeds of crime or property with the other Party, it shall:

(a) Determine, at its discretion and in accordance with its domestic law and policies, the proportion of the confiscated proceeds of crime or property to be shared, which, in its view, corresponds to the extent of the cooperation afforded by the other Party; and

(b) Transfer a sum equivalent to that proportion set forth in subparagraph (a) above to the other Party in accordance with article 6 of this Agreement.

2. In determining the amount to transfer, the Party holding the confiscated proceeds of crime or property may include any interest and appreciation that has accrued on the confiscated proceeds of crime or property and may deduct reasonable expenses incurred in investigations, prosecution or judicial proceedings leading to the confiscation of the proceeds of crime or property.]

Option 2

[1. In sharing confiscated proceeds of crime or property in accordance with this Agreement:

(a) The proportion of the confiscated proceeds of crime or property to be shared shall be determined by the Parties on a *quantum meruit* basis or on any other reasonable basis agreed upon by the Parties;

(b) The Party holding the confiscated proceeds of crime or property shall transfer a sum equivalent to that proportion set forth in subparagraph (a) above to the other Party in accordance with article 6 of this Agreement.

2. In determining the amount to transfer, the Parties shall agree on any issues related to interest and appreciation that has accrued on the confiscated proceeds of crime or property and the deduction of reasonable expenses incurred in investigations, prosecution or judicial proceedings leading to the confiscation of the proceeds of crime or property.]

3. The Parties agree that it may not be appropriate to share where the value of the confiscated proceeds of crime or property is *de minimis*, subject to previous consultations between them.

Article 6
Payment of shared proceeds of crime or property

1. Unless the Parties agree otherwise, any sum transferred pursuant to article 5, paragraph 1 (b), of this Agreement shall be paid:

(a) In the currency of the Party where the proceeds of crime or property are located; and

(b) By means of an electronic transfer of funds or by cheque.

2. Payment of any such sum shall be made:

(a) In any case in which the Government of _____ is receiving payment, to [*identify the pertinent office or designated account as specified in the request*];

(b) In any case in which the Government of _____ is receiving payment, to [*identify the pertinent office or designated account as specified in the request*]; or

(c) To such other recipient or recipients as the Party receiving payment may from time to time specify by notification for the purposes of this article.

Article 7
Terms of transfer

1. In making the transfer, the Parties recognize that all right or title to and interest in the transferred proceeds of crime or property have already been adjudicated and that no further judicial proceedings are necessary to complete the confiscation. The Party transferring the proceeds of crime or property assumes no liability or responsibility for the proceeds of crime or property once they have been transferred and relinquishes all right or title to and interest in the transferred proceeds of crime or property.[11]

2. Unless otherwise agreed, where a Party transfers confiscated proceeds of crime or property pursuant to article 5, paragraph 1 (b), of this Agreement, the other Party shall use the proceeds of crime or property for any lawful purpose at its discretion.

Article 8
Channels of communication

All communications between the Parties pursuant to the provisions of this Agreement shall be conducted through [*the central authorities designated pursuant to article [...] of the treaty on mutual legal assistance referred to in the preamble to the agreement*] or by the following:

(a) For the Government of _____, by the Office of _____;

(b) For the Government of _____, by the Office of _____; or

[11] Where the domestic law of a State requires it to sell confiscated proceeds of crime or property and only permits it to share funds, this provision may be unnecessary.

(c) By such other nominees as the Parties, for their own part, may from time to time specify by notification for the purposes of this article.

Article 9
Territorial application

This Agreement shall apply [*if applicable, designate any territories to which the agreement should be extended for each Government*].

Article 10
Amendments

This Agreement may be amended when both Parties have agreed in writing to such amendment.

Article 11
Consultations

The Parties shall consult promptly, at the request of either Party, concerning the interpretation, application or implementation of this Agreement, either generally or in relation to a particular case.

Article 12
Entry into force

This Agreement shall enter into force upon signature by both Parties or upon notification by the Parties that the necessary internal procedures have been completed.[12]

Article 13
Termination of the Agreement

Either Party may terminate this Agreement, at any time, by giving written notice to the other Party. Termination shall become effective [...] months after receipt of the notice. The provisions shall, however, continue to apply in relation to confiscated proceeds of crime or property to be shared under this Agreement.

In witness whereof, the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

Done in duplicate at [*location*], this _____ day of _____, _____.

For the Government of

_____:

[*Signature*] _____

For the Government of

_____:

[*Signature*] _____

[12] This may be upon signature, ratification, publication in a legal gazette or by other means.

Draft resolution II

Eleventh United Nations Congress on Crime Prevention and Criminal Justice

The General Assembly,

Emphasizing the responsibility assumed by the United Nations in the field of crime prevention and criminal justice in pursuance of Economic and Social Council resolution 155 C (VII) of 13 August 1948 and General Assembly resolution 415 (V) of 1 December 1950,

Acknowledging that the United Nations congresses on crime prevention and criminal justice, as major intergovernmental forums, have influenced national policies and practices and promoted international cooperation in this field by facilitating the exchange of views and experience, mobilizing public opinion and recommending policy options at the national, regional and international levels,

Recalling its resolution 46/152 of 18 December 1991, in the annex to which Member States affirmed that the United Nations congresses on crime prevention and criminal justice should be held every five years and should provide a forum for, inter alia, the exchange of views between States, intergovernmental and non-governmental organizations and individual experts representing various professions and disciplines, the exchange of experiences in research, law and policy development and the identification of emerging trends and issues in crime prevention and criminal justice,

Recalling also its resolution 57/270 B of 23 June 2003, on the integrated and coordinated implementation of and follow-up to the outcomes of major United Nations conferences and summits in the economic and social fields, in which it stressed that all countries should promote policies consistent and coherent with the commitments of the major United Nations conferences and summits, emphasized that the United Nations system had an important responsibility to assist Governments to stay fully engaged in the follow-up to and implementation of agreements and commitments reached at the major United Nations conferences and summits and invited its intergovernmental bodies to further promote the implementation of the outcomes of the major United Nations conferences and summits,

Recalling further its resolution 59/151 of 20 December 2004, in which it called upon the Eleventh United Nations Congress on Crime Prevention and Criminal Justice to formulate concrete proposals for further follow-up and action, paying particular attention to practical arrangements relating to the effective implementation of the international legal instruments pertaining to transnational organized crime, terrorism and corruption and technical assistance activities relating thereto, and requested the Commission on Crime Prevention and Criminal Justice at its fourteenth session to give high priority to considering the conclusions and recommendations of the Eleventh Congress, with a view to recommending, through the Economic and Social Council, appropriate follow-up by the General Assembly at its sixtieth session,

Bearing in mind the United Nations Millennium Declaration,[13] adopted by the Heads of State and Government at the Millennium Summit of the United Nations on 8 September 2000, in which Heads of State and Government resolved to strengthen respect for the rule of law in international as well as in national affairs, to make the United Nations more effective in maintaining peace and security by giving it the resources and tools it needed for conflict prevention, peaceful resolution of disputes, peacekeeping, post-conflict peacebuilding and reconstruction, to take concerted action against international terrorism and accede as soon as possible to all the relevant international conventions, to redouble their efforts to implement their commitment to counter the world drug problem and to intensify their collective efforts to fight transnational crime in all its dimensions, including trafficking as well as smuggling in human beings and money-laundering,

Taking note of the report of the High-level Panel on Threats, Challenges and Change entitled "A more secure world: our shared responsibility"[14] and the recommendations contained therein, as well as the report of the Secretary-General entitled "In larger freedom: towards development, security and human rights for all"[15] and the proposals contained therein,

Recalling Economic and Social Council decision 2004/242 of 21 July 2004, in which the Council decided that the prominent theme for the fourteenth session of the Commission on Crime Prevention and Criminal Justice should be "Conclusions and recommendations of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice",

Having considered the report of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice[16] and the related recommendations made by the Commission on Crime Prevention and Criminal Justice at its fourteenth session,

1. *Expresses its satisfaction* with the results achieved by the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, held in Bangkok from 18 to 25 April 2005, including the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice,[17] adopted at the high-level segment of the Eleventh Congress;

2. *Takes note with appreciation* of the report of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice,[18] which contains the results of the Eleventh Congress, including the conclusions and recommendations made at the workshops and at the high-level segment held during the Eleventh Congress;

3. *Endorses* the Bangkok Declaration adopted by the Eleventh Congress, as approved by the Commission on Crime Prevention and Criminal Justice;

4. *Invites* Governments to take into consideration the Bangkok Declaration and the recommendations adopted by the Eleventh Congress in formulating legislation and policy directives and to make all efforts, where appropriate, to

[13] General Assembly resolution 55/2.
[14] A/59/565 and Corr.1.
[15] A/59/2005.
[16] A/CONF.203/18.
[17] A/CONF.203/18, chap. I, resolution 1.
[18] A/CONF.203/18.

implement the principles contained therein, taking into account the economic, social, legal and cultural specificities of their respective States;

5. *Invites* Member States to identify areas covered in the Bangkok Declaration where further tools and training manuals based on international standards and best practices are needed, and to submit that information to the Commission on Crime Prevention and Criminal Justice so that it may take it into account when considering potential areas of future activity of the United Nations Office on Drugs and Crime;

6. *Requests* the Secretary-General to distribute the report of the Eleventh Congress, including the Bangkok Declaration, to Member States, intergovernmental organizations and non-governmental organizations, so as to ensure that its recommendations are disseminated as widely as possible, and to seek proposals by Member States for ways and means of ensuring appropriate follow-up to the Bangkok Declaration for consideration and action by the Commission on Crime Prevention and Criminal Justice at its fifteenth session;

7. *Notes* that the Governments of a number of States have offered to host the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, to be held in 2010, and requests the United Nations Office on Drugs and Crime to engage in consultations with the Governments concerned and to report thereon to the Commission on Crime Prevention and Criminal Justice;

8. *Expresses its profound gratitude* to the people and Government of Thailand for the warm and generous hospitality extended to the participants of the Eleventh Congress and for the excellent facilities provided for the Congress;

9. *Requests* the Secretary-General to submit to it, at its sixty-first session, a report on the implementation of the present resolution.

Draft resolution III

Action against transnational organized crime: protection of witnesses

The General Assembly,

Recalling its resolution 55/25 of 15 November 2000, by which it adopted the United Nations Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,

Recalling also its resolution 55/255 of 31 May 2001, by which it adopted the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime,

Concerned about the negative political, economic and social implications of the activities of organized criminal groups and the possible expansion of such activities,

Convinced of the need to strengthen local, regional and international cooperation in the effective prevention and combating of such activities wherever they occur,

Determined to facilitate the testimony of witnesses in order to ensure prosecution of those who participate in or profit from transnational organized crime, and thus to prevent the provision of safe havens for such persons,

Reaffirming the growing recognition of the key role of witnesses in criminal proceedings, especially in cases involving organized crime, and the need to encourage their collaboration and to provide them with effective protection from retaliation or intimidation,

1. *Takes note with appreciation* of the report of the Secretary-General on the United Nations Convention against Transnational Organized Crime and the Protocols thereto;[19]

2. *Encourages* Member States to exchange their experiences with, and information on, action taken to provide effective protection for witnesses in criminal proceedings involving transnational and national organized crime and for their relatives and all other persons close to them;

3. *Requests* the Secretary-General to pay special attention, within the framework of technical assistance activities, to the issue of the protection of witnesses, in order to enable Member States to establish effective witness protection programmes;

4. *Also requests* the Secretary-General to convene, within available extrabudgetary resources, not excluding the use of existing resources from the regular budget of the United Nations Office on Drugs and Crime,[20] an open-ended intergovernmental group of experts, the composition of which should reflect equitable geographical representation and the diversity of legal systems, to exchange experiences and put forward suggestions and recommendations with regard to protecting witnesses and encouraging them to collaborate in the judicial process, taking into account ongoing work in that area.

Draft resolution IV

International cooperation in the fight against transnational organized crime

The General Assembly,

Recalling its resolution 55/25 of 15 November 2000, by which it adopted the United Nations Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and

[19] E/CN.15/2005/6.

[20] This new language does not provide a basis for an increase in the regular budget or requests for supplemental increases.

Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,

Recalling also its resolution 55/255 of 31 May 2001, by which it adopted the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime,

Recalling further its resolutions 59/157 of 20 December 2004, entitled "International cooperation in the fight against transnational organized crime: assistance to States in capacity-building with a view to facilitating the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto", and 59/159 of 20 December 2004, entitled "Strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity",

Reaffirming its deep concern at the impact of transnational organized crime on the political, social and economic stability and development of societies,

Reaffirming that the adoption of the Convention and the Protocols thereto is a significant development in international criminal law and that they constitute important instruments for effective international cooperation, including regional and subregional cooperation, against transnational organized crime,

Taking note of the proposals of the Secretary-General on strengthening the United Nations Office on Drugs and Crime contained in his report entitled "In larger freedom: towards development, security and human rights for all",[21]

1. *Takes note with appreciation* of the report of the Secretary-General on the United Nations Convention against Transnational Organized Crime and the Protocols thereto;[22]

2. *Welcomes* the entry into force of the United Nations Convention against Transnational Organized Crime,[23] of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,[24] of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,[25] and of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime;[26]

3. *Notes* that the first session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime was held in Vienna

[21] A/59/2005.
[22] E/CN.15/2005/6.
[23] General Assembly resolution 55/25, annex I.
[24] General Assembly resolution 55/25, annex II.
[25] General Assembly resolution 55/25, annex III.
[26] General Assembly resolution 55/255, annex.

from 28 June to 9 July 2004, and looks forward to the second session of the Conference of the Parties, to be held in Vienna from 10 to 21 October 2005;

4. *Commends* the United Nations Office on Drugs and Crime for its work in promoting the ratification of the Convention and the Protocols thereto, including, in particular, the preparation of legislative guides designed to facilitate the ratification and subsequent implementation of those instruments, and invites the Office to disseminate the legislative guides as widely as possible;

5. *Urges* all States and relevant regional economic integration organizations that have not done so to consider ratifying or acceding to the United Nations Convention against Transnational Organized Crime and the Protocols thereto as soon as possible;

6. *Also urges* all States and relevant regional economic integration organizations to take all necessary measures to improve international cooperation, including regional and subregional cooperation, in criminal matters, especially extradition and mutual legal assistance, in accordance with their international obligations;

7. *Welcomes* the financial support provided by several donors to promote the entry into force and implementation of the Convention and the Protocols thereto, and encourages Member States to make sufficient voluntary contributions to the United Nations Crime Prevention and Criminal Justice Fund, as well as contributions in direct support of activities and projects of the United Nations Office on Drugs and Crime, including through contributions to the institutes of the United Nations Crime Prevention and Criminal Justice Programme network, for the provision of technical assistance to developing countries and countries with economies in transition for the implementation of those international legal instruments;

8. *Requests* the Secretary-General to continue to provide the United Nations Office on Drugs and Crime with the resources necessary to enable it to promote, in an effective manner, the implementation of the Convention and the Protocols thereto and to discharge its functions as the secretariat of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime in accordance with its mandate;

9. *Requests* the United Nations Office on Drugs and Crime, building on the experience gained from the preparation of the legislative guides, to consult with the Conference of the Parties to the United Nations Convention against Transnational Organized Crime concerning the preparation of manuals and other tools to facilitate the implementation of the Convention and the Protocols thereto;

10. *Also requests* the United Nations Office on Drugs and Crime, within available extrabudgetary resources, not excluding the use of existing resources from the regular budget of the United Nations Office on Drugs and Crime,[27] to continue to assist States, upon request, with capacity-building in the area of ratification as well as implementation of the Convention and its Protocols, in particular through

[27] This new language does not provide a basis for an increase in the regular budget or requests for supplemental increases.

international cooperation in criminal matters, including extradition and mutual legal assistance;

11. *Requests* the Secretary-General to transmit to it the reports of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime;

12. *Also requests* the Secretary-General to report on the implementation of the present resolution in his report on the work of the United Nations Office on Drugs and Crime to be submitted to the General Assembly at its sixty-first session.

Draft resolution V

Action against corruption: assistance to States in capacity-building with a view to facilitating the entry into force and subsequent implementation of the United Nations Convention against Corruption

The General Assembly,

Deeply concerned about the impact of corruption on the political, social and economic stability and development of societies,

Bearing in mind that the prevention and combating of corruption is a common and shared responsibility of the international community, necessitating cooperation at the bilateral and multilateral levels,

Bearing in mind also that the prevention and elimination of corruption is a responsibility of all States and that they must cooperate with one another, with the support and involvement of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, if their efforts to prevent and combat corruption are to be effective,

Reaffirming its support and commitment to the goals of the United Nations in the field of crime prevention and criminal justice, in particular the objectives set forth in the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century,[28]

Recalling its resolution 58/4 of 31 October 2003, in which it adopted the United Nations Convention against Corruption and urged all States and competent regional economic integration organizations to sign and ratify it,

Noting with appreciation the High-level Political Conference for the Purpose of Signing the United Nations Convention against Corruption, held in Merida, Mexico, from 9 to 11 December 2003,[29]

Recalling its resolution 59/155 of 20 December 2004, entitled "Action against corruption: assistance to States in capacity-building with a view to facilitating the entry into force and subsequent implementation of the United Nations Convention against Corruption",

[28] General Assembly resolution 55/59, annex.

[29] See A/CONF.205/2.

Noting with appreciation the initiative of the States that have made financial contributions to the United Nations Crime Prevention and Criminal Justice Fund to facilitate the ratification and implementation of the United Nations Convention against Corruption by developing countries and by countries with economies in transition,

1. *Takes note with appreciation* of the report of the Secretary-General on the United Nations Convention against Corruption;[30]

2. *Welcomes* the signing of the United Nations Convention against Corruption by a large number of Member States and the ratification of the Convention by an increasing number of Member States, which reflects the high level of commitment on the part of the international community to the purpose of the Convention;

3. *Urges* Member States that have not yet done so to consider signing and ratifying the United Nations Convention against Corruption as soon as possible, in order to allow its early entry into force and to facilitate its effective implementation;

4. *Also urges* Member States to promote a culture of integrity and accountability in both the public sector and the private sector, and calls upon them to adopt measures to facilitate the recovery and return of assets that are consistent with the principles of the United Nations Convention against Corruption;

5. *Calls upon* Member States to continue to make adequate voluntary contributions to the United Nations Crime Prevention and Criminal Justice Fund to provide developing countries and countries with economies in transition with the technical assistance that they may require to implement the United Nations Convention against Corruption, including assistance for the preparatory measures required for implementation, taking into account article 62 of the Convention;

6. *Requests* the Secretary-General to provide the United Nations Office on Drugs and Crime with the resources necessary to enable it to promote, in an effective manner, the entry into force and implementation of the United Nations Convention against Corruption, inter alia, through the provision of assistance to developing countries and countries with economies in transition for building capacity in the areas covered by the Convention;

7. *Also requests* the Secretary-General, within available extrabudgetary resources, not excluding the use of existing resources from the regular budget of the United Nations Office on Drugs and Crime,[31] to finalize the legislative guide for the United Nations Convention against Corruption and, building on the experience gained in the preparation of the guide, to consider preparing manuals and other tools to facilitate implementation of the Convention;

8. *Further requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its fifteenth session on the implementation of the present resolution.

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[30] E/CN.15/2005/9.

[31] This new language does not provide a basis for an increase in the regular budget or requests for supplemental increases.

Draft resolution VI

Strengthening international cooperation and technical assistance in promoting the implementation of the universal conventions and protocols related to terrorism within the framework of the activities of the United Nations Office on Drugs and Crime

The General Assembly,

Recalling all General Assembly and Security Council resolutions on terrorism,

Welcoming the adoption and the forthcoming opening for signature of the International Convention for the Suppression of Acts of Nuclear Terrorism, [32]

Taking note with appreciation of the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice, adopted at the high-level segment of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, held in Bangkok from 18 to 25 April 2005, which expresses the hope that the ongoing negotiation of the draft comprehensive convention on international terrorism will be concluded as soon as possible and recognizes that arriving at a possible definition of terrorism is one of the key issues to be resolved,[33]

Recalling its resolution 59/46 of 2 December 2004, in which it reiterated that criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstances unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or other nature that may be invoked to justify them,

Stressing the need for Member States to ensure that any measures taken to combat terrorism comply with all their obligations under international law, in particular the Charter of the United Nations and international human rights, refugee and humanitarian law,

Mindful of the essential need to strengthen international, regional and subregional cooperation to effectively prevent and suppress terrorism in all its forms and manifestations, in particular by enhancing the national capacity of States,

Recalling Security Council resolution 1566 (2004) of 8 October 2004, and reaffirming the obligation of States to cooperate fully in the fight against terrorism, especially with those States where or against whose citizens terrorist acts are committed, in accordance with their obligations under international law, in order to find, deny safe haven to and bring to justice, on the basis of the principle to extradite or prosecute, any person who supports, facilitates, participates or attempts to participate in the financing, planning, preparation or commission of terrorist acts or provides safe havens,

Mindful also that acts, methods and practices of terrorism are contrary to the purposes and principles of the United Nations,

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[32] General Assembly resolution 59/290, annex.

[33] A/CONF.203/18, chap. I, resolution 1.

Reaffirming its unequivocal condemnation of terrorism in all its forms and manifestations, wherever and by whomsoever committed,

Noting that the Bangkok Declaration emphasizes that enhancing dialogue among civilizations, promoting tolerance, preventing the indiscriminate targeting of different religions and cultures and addressing development issues and unresolved conflicts will contribute to international cooperation, which is among the most important elements to combat terrorism in all its forms and manifestations, and reaffirming that no terrorist act can be justified in any circumstances,

Deeply concerned that acts of terrorism continue to be perpetrated, endangering the lives and well-being of individuals worldwide, and expressing its deepest sympathy and condolences to the victims of terrorist attacks and their families,

Noting the establishment of a working group pursuant to Security Council resolution 1566 (2004),

Recalling its resolution 59/153 of 20 December 2004, in which it, inter alia, reaffirmed the importance of the work of the United Nations Office on Drugs and Crime in the fulfilment of its mandate in crime prevention and criminal justice, including to contribute to preventing and combating terrorism, and its resolution 59/159 of 20 December 2004, in which it requested the Office to intensify its efforts to provide technical assistance, upon request, in preventing and combating terrorism, by facilitating the implementation of the universal conventions and protocols related to terrorism, including training of judicial and prosecutorial personnel, working in coordination with the Counter-Terrorism Committee and the Counter-Terrorism Committee Executive Directorate,

Mindful of its resolution 59/46 of 2 December 2004, in which it welcomed the continuing efforts of the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime to assist States to become parties to and to work towards implementing the relevant international conventions and protocols related to terrorism,

Recalling that the Security Council, in its resolution 1535 (2004) of 26 March 2004, recognized the need for the Counter-Terrorism Committee, where appropriate, to visit States, with the consent of the States concerned, and to engage in a detailed discussion to monitor the implementation of Council resolution 1373 (2001) of 28 September 2001, and that such visits should be conducted, when appropriate, in close cooperation with relevant international, regional and subregional organizations and other United Nations bodies, including the United Nations Office on Drugs and Crime, in particular with its Terrorism Prevention Branch, taking special care of the assistance that might be available to address States' needs,

Welcoming the initiative by the Secretary-General to establish a task force in his Office for the coordination of the counter-terrorism efforts of the Secretariat,

Welcoming also the adoption of Commission on Human Rights resolution 2005/80, especially the appointment, for a period of three years, of a special rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism,

1. *Commends* the United Nations Office on Drugs and Crime for its contributions towards preventing and combating terrorism through the provision of technical assistance to States, upon request, in close consultation with the Counter-Terrorism Committee and the Counter-Terrorism Committee Executive Directorate, for the implementation of Security Council resolution 1373 (2001) of 28 September 2001, in particular for promotion of the ratification of, accession to and implementation of the universal conventions and protocols related to terrorism, as well as for its continuing close cooperation with international, regional and subregional organizations, and requests the Office to continue such work with international organizations, in particular specialized agencies and other relevant entities of the United Nations system;

2. *Welcomes* the holding of regional and subregional workshops in San José, Tashkent, Port Louis, Praia and Lisbon to follow up on technical assistance activities conducted by the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime in 2003 and 2004 by further familiarizing national experts and criminal justice officials with the requirements of Security Council resolution 1373 (2001) and the requirements for becoming parties to and implementing the universal conventions and protocols related to terrorism and international cooperation agreements, and emphasizes the need for close cooperation, in that context, between the Terrorism Prevention Branch and the Counter-Terrorism Committee, the Counter-Terrorism Committee Executive Directorate and the Office of Legal Affairs of the Secretariat, as appropriate;

3. *Welcomes also* the holding of a subregional workshop in Zagreb from 7 to 9 March 2005, which resulted in the Zagreb Declaration on International Cooperation on Counter-Terrorism, Corruption and the Fight against Transnational Organized Crime,[34] and encourages the Terrorism Prevention Branch, in coordination with the Counter-Terrorism Committee and within available extrabudgetary resources, not excluding the use of existing resources from the regular budget of the United Nations Office on Drugs and Crime,[35] to continue to ensure proper follow-up to its technical assistance activities, in cases where such follow-up is requested by Member States;

4. *Calls upon* Member States that have not yet done so to consider becoming parties to and to implement the universal conventions and protocols related to terrorism as a matter of urgency and, where appropriate, to request assistance to that end from the United Nations Office on Drugs and Crime and relevant international, regional and subregional organizations, in coordination with the Counter-Terrorism Committee;

5. *Takes note* of the legislative assistance tools developed by the United Nations Office on Drugs and Crime, and requests the Office, within available extrabudgetary resources, not excluding the use of existing resources from the regular budget of the United Nations Office on Drugs and Crime,[36] to finalize the draft guide for legislative incorporation and implementation of the universal

[34] A/59/754-S/2005/197, annex.

[35] This new language does not provide a basis for an increase in the regular budget or requests for supplemental increases.

[36] This new language does not provide a basis for an increase in the regular budget or requests for supplemental increases.

instruments against terrorism and to develop it further to serve as a training tool when providing assistance to States, upon request, in capacity-building for the implementation of the universal instruments related to terrorism;

6. *Urges* Member States to strengthen, to the greatest extent possible, international cooperation in order to prevent and combat terrorism, including, when necessary, entering into bilateral treaties on extradition and mutual legal assistance within the framework of the relevant Security Council resolutions, as well as the universal conventions and protocols related to terrorism and other relevant United Nations resolutions and in accordance with the Charter of the United Nations and international law, and to ensure adequate training of all relevant personnel in executing international cooperation, and calls upon Member States to request assistance to that end from the United Nations Office on Drugs and Crime and relevant international, regional and subregional organizations, when appropriate;

7. *Requests* the United Nations Office on Drugs and Crime, within available extrabudgetary resources, not excluding the use of existing resources from the regular budget of the United Nations Office on Drugs and Crime,[37] to intensify its efforts to provide Member States with technical assistance, upon request, to strengthen international cooperation, including in international, national, regional and subregional forums, in preventing and combating terrorism through the facilitation of the implementation of the universal conventions and protocols related to terrorism, in particular through training in the judicial and prosecutorial fields in the proper implementation of the universal conventions and protocols related to terrorism, with particular emphasis on the need to coordinate such work with the Counter-Terrorism Committee and the Counter-Terrorism Committee Executive Directorate;

8. *Recognizes* the role of fair and effective criminal justice systems within the overall framework of the rule of law as an integral component of any strategy to counter terrorism, and requests the United Nations Office on Drugs and Crime, whenever appropriate, to take into account in its technical assistance programme to counter terrorism the elements necessary for building national capacity in order to strengthen criminal justice systems and the rule of law with a view to facilitating the effective implementation of the universal conventions and protocols related to terrorism and relevant Security Council resolutions;

9. *Notes* the discussions during the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, held in Bangkok from 18 to 25 April 2005, on its agenda item entitled "International cooperation against terrorism and links between terrorism and other criminal activities in the context of the work of the United Nations Office on Drugs and Crime", and requests the Secretariat to take into account any existing links between terrorism and other forms of crime and to pursue an integrated, comprehensive approach in the delivery of technical assistance, emphasizing the transversal relevance of international cooperation;

10. *Urges* Member States to consider the early signing and ratifying of the International Convention for the Suppression of Acts of Nuclear Terrorism,[38] and

[37] This new language does not provide a basis for an increase in the regular budget or requests for supplemental increases.

[38] General Assembly resolution 59/290, annex.

requests the United Nations Office on Drugs and Crime, upon request, to promote in the course of its technical assistance activities the speedy ratification and full implementation of that Convention;

11. *Expresses its appreciation* to all Member States that have supported the technical assistance activities of the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime, and invites all Member States to consider making voluntary financial contributions, in-kind contributions or both;

12. *Requests* the Secretary-General to report to it at its sixty-first session on the implementation of the present resolution.

B. Draft resolutions for adoption by the Economic and Social Council

2. The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the adoption of the following draft resolutions:

Draft resolution I

Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime

The Economic and Social Council,

Recalling its resolution 1996/16 of 23 July 1996, in which it requested the Secretary-General to continue to promote the use and application of United Nations standards and norms in crime prevention and criminal justice,

Recalling also its resolution 2004/27 of 21 July 2004 on guidelines on justice for child victims and witnesses of crime, in which it requested the Secretary-General to convene an intergovernmental expert group in order to develop guidelines on justice in matters involving child victims and witnesses of crime,

Recalling further General Assembly resolution 40/34 of 29 November 1985, by which the Assembly adopted the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, annexed to the resolution,

Recalling the provisions of the Convention on the Rights of the Child, adopted by the General Assembly by its resolution 44/25 of 20 November 1989, in particular articles 3 and 39 thereof, as well as the provisions of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, adopted by the Assembly by its resolution 54/263 of 25 May 2000, in particular article 8 thereof,

Recognizing that justice for child victims and witnesses of crime must be assured while safeguarding the rights of accused persons,

Recognizing also that children who are victims and witnesses are particularly vulnerable and need special protection, assistance and support appropriate to their age, level of maturity and unique needs in order to prevent further hardship and trauma that may result from their participation in the criminal justice process,

Mindful of the serious physical, psychological and emotional consequences of crime and victimization for child victims and witnesses, in particular in cases involving sexual exploitation,

Mindful also of the fact that the participation of child victims and witnesses in the criminal justice process is necessary for effective prosecutions, in particular where the child victim may be the only witness,

Recognizing the efforts of the International Bureau for Children's Rights in laying the groundwork for the development of guidelines on justice in matters involving child victims and witnesses of crime,

Noting with appreciation the work of the Intergovernmental Expert Group Meeting to Develop Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, held in Vienna on 15 and 16 March 2005, for which extrabudgetary resources were provided by the Government of Canada, and taking note of the report of the Intergovernmental Expert Group,[39]

Taking note of the report of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, held in Bangkok from 18 to 25 April 2005, regarding the item entitled "Making standards work: fifty years of standard-setting in crime prevention and criminal justice",

Welcoming the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice,[40] adopted at the high-level segment of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, in particular paragraphs 17 and 33 thereof, in which the importance of providing support and services to witnesses and victims of crime is recognized,

1. *Adopts* the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, annexed to the present resolution, as a useful framework that could assist Member States in enhancing the protection of child victims and witnesses in the criminal justice system;

2. *Invites* Member States to draw, where appropriate, on the Guidelines in the development of legislation, procedures, policies and practices for children who are victims of crime or witnesses in criminal proceedings;

3. *Calls upon* Member States that have developed legislation, procedures, policies or practices for child victims and witnesses to make information available to other States, upon request and where appropriate, and to assist them in developing and implementing training or other activities in relation to the use of the Guidelines;

4. *Calls upon* the United Nations Office on Drugs and Crime to provide technical assistance, within available extrabudgetary resources, not excluding the use of existing resources from the regular budget of the United Nations Office on

[39] E/CN.15/2005/14/Add.1.
[40] A/CONF.203/18, chap. I, resolution 1.

Drugs and Crime,[41] as well as advisory services, to Member States, upon request, to assist them in the use of the Guidelines;

5. *Requests* the Secretary-General to ensure the widest possible dissemination of the Guidelines among Member States, the institutes of the United Nations Crime Prevention and Criminal Justice Programme network and other international, regional and non-governmental organizations and institutions;

6. *Recommends* that Member States bring the Guidelines to the attention of relevant governmental and non-governmental organizations and institutions;

7. *Invites* the institutes of the United Nations Crime Prevention and Criminal Justice Programme network to provide training in relation to the Guidelines and to consolidate and disseminate information on successful models at the national level;

8. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its seventeenth session on the implementation of the present resolution.

Annex

Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime

I. Objectives

1. The present Guidelines on Justice for Child Victims and Witnesses of Crime set forth good practice based on the consensus of contemporary knowledge and relevant international and regional norms, standards and principles.

2. The Guidelines should be implemented in accordance with relevant national legislation and judicial procedures as well as take into consideration legal, social, economic, cultural and geographical conditions. However, States should constantly endeavour to overcome practical difficulties in the application of the Guidelines.

3. The Guidelines provide a practical framework to achieve the following objectives:

(a) To assist in the review of national and domestic laws, procedures and practices so that these ensure full respect for the rights of child victims and witnesses of crime and contribute to the implementation of the Convention on the Rights of the Child,[42] by parties to that Convention;

(b) To assist Governments, international organizations, public agencies, non-governmental and community-based organizations and other interested parties in designing and implementing legislation, policy, programmes and practices that address key issues related to child victims and witnesses of crime;

[41] This new language does not provide a basis for an increase in the regular budget or requests for supplemental increases.

[42] General Assembly resolution 44/25, annex.

(c) To guide professionals and, where appropriate, volunteers working with child victims and witnesses of crime in their day-to-day practice in the adult and juvenile justice process at the national, regional and international levels, consistent with the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power;[43]

(d) To assist and support those caring for children in dealing sensitively with child victims and witnesses of crime.

4. In implementing the Guidelines, each jurisdiction should ensure that adequate training, selection and procedures are put in place to protect and meet the special needs of child victims and witnesses of crime, where the nature of the victimization affects categories of children differently, such as sexual assault of children, especially girls.

5. The Guidelines cover a field in which knowledge and practice are growing and improving. They are neither intended to be exhaustive nor to preclude further development, provided it is in harmony with their underlying objectives and principles.

6. The Guidelines could also be applied to processes in informal and customary systems of justice such as restorative justice and in non-criminal fields of law including, but not limited to, custody, divorce, adoption, child protection, mental health, citizenship, immigration and refugee law.

II. Special considerations

7. The Guidelines were developed:

(a) Cognizant that millions of children throughout the world suffer harm as a result of crime and abuse of power and that the rights of those children have not been adequately recognized and that they may suffer additional hardship when assisting in the justice process;

(b) Recognizing that children are vulnerable and require special protection appropriate to their age, level of maturity and individual special needs;

(c) Recognizing that girls are particularly vulnerable and may face discrimination at all stages of the justice system;

(d) Reaffirming that every effort must be made to prevent victimization of children, including, among other things, through implementation of the Guidelines for the Prevention of Crime;[44]

(e) Cognizant that children who are victims and witnesses may suffer additional hardship if mistakenly viewed as offenders when they are in fact victims and witnesses;

(f) Recalling that the Convention on the Rights of the Child sets forth requirements and principles to secure effective recognition of the rights of children and that the Declaration of Basic Principles of Justice for Victims of Crime and

[43] General Assembly resolution 40/34, annex.
[44] Economic and Social Council resolution 2002/13, annex.

Abuse of Power sets forth principles to provide victims with the right to information, participation, protection, reparation and assistance;

(g) Recalling international and regional initiatives that implement the principles of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, including the *Handbook on Justice for Victims* and the *Guide for Policy Makers on the Declaration of Basic Principles*, both issued by the United Nations Office for Drug Control and Crime Prevention in 1999;

(h) Recognizing the efforts of the International Bureau for Children's Rights in laying the groundwork for the development of guidelines on justice for child victims and witnesses of crime;

(i) Considering that improved responses to child victims and witnesses of crime can make children and their families more willing to disclose instances of victimization and more supportive of the justice process;

(j) Recalling that justice for child victims and witnesses of crime must be assured while safeguarding the rights of accused and convicted offenders;

(k) Bearing in mind the variety of legal systems and traditions, and noting that crime is increasingly transnational in nature and that there is a need to ensure that child victims and witnesses of crime receive equivalent protection in all countries.

III. Principles

8. As stated in international instruments and in particular the Convention on the Rights of the Child as reflected in the work of the Committee on the Rights of the Child, and in order to ensure justice for child victims and witnesses of crime, professionals and others responsible for the well-being of those children must respect the following cross-cutting principles:

(a) *Dignity*. Every child is a unique and valuable human being and as such his or her individual dignity, special needs, interests and privacy should be respected and protected;

(b) *Non-discrimination*. Every child has the right to be treated fairly and equally, regardless of his or her or the parent or legal guardian's race, ethnicity, colour, gender, language, religion, political or other opinion, national, ethnic or social origin, property, disability and birth or other status;

(c) *Best interests of the child*. While the rights of accused and convicted offenders should be safeguarded, every child has the right to have his or her best interests given primary consideration. This includes the right to protection and to a chance for harmonious development:

(i) *Protection*. Every child has the right to life and survival and to be shielded from any form of hardship, abuse or neglect, including physical, psychological, mental and emotional abuse and neglect;

(ii) *Harmonious development*. Every child has the right to a chance for harmonious development and to a standard of living adequate for physical, mental, spiritual, moral and social growth. In the case of a child who has been

traumatized, every step should be taken to enable the child to enjoy healthy development;

(d) *Right to participation*. Every child has, subject to national procedural law, the right to express his or her views, opinions and beliefs freely, in his or her own words, and to contribute especially to the decisions affecting his or her life, including those taken in any judicial processes, and to have those views taken into consideration according to his or her abilities, age, intellectual maturity and evolving capacity.

IV. Definitions

9. Throughout these Guidelines, the following definitions apply:

(a) "Child victims and witnesses" denotes children and adolescents, under the age of 18, who are victims of crime or witnesses to crime regardless of their role in the offence or in the prosecution of the alleged offender or groups of offenders;

(b) "Professionals" refers to persons who, within the context of their work, are in contact with child victims and witnesses of crime or are responsible for addressing the needs of children in the justice system and for whom these Guidelines are applicable. This includes, but is not limited to, the following: child and victim advocates and support persons; child protection service practitioners; child welfare agency staff; prosecutors and, where appropriate, defence lawyers; diplomatic and consular staff; domestic violence programme staff; judges; court staff; law enforcement officials; medical and mental health professionals; and social workers;

(c) "Justice process" encompasses detection of the crime, making of the complaint, investigation, prosecution and trial and post-trial procedures, regardless of whether the case is handled in a national, international or regional criminal justice system for adults or juveniles, or in a customary or informal system of justice;

(d) "Child-sensitive" denotes an approach that balances the child's right to protection and that takes into account the child's individual needs and views.

V. The right to be treated with dignity and compassion

10. Child victims and witnesses should be treated in a caring and sensitive manner throughout the justice process, taking into account their personal situation and immediate needs, age, gender, disability and level of maturity and fully respecting their physical, mental and moral integrity.

11. Every child should be treated as an individual with his or her individual needs, wishes and feelings.

12. Interference in the child's private life should be limited to the minimum needed at the same time as high standards of evidence collection are maintained in order to ensure fair and equitable outcomes of the justice process.

13. In order to avoid further hardship to the child, interviews, examinations and other forms of investigation should be conducted by trained professionals who proceed in a sensitive, respectful and thorough manner.

14. All interactions described in these Guidelines should be conducted in a child-sensitive manner in a suitable environment that accommodates the special needs of the child, according to his or her abilities, age, intellectual maturity and evolving capacity. They should also take place in a language that the child uses and understands.

VI. The right to be protected from discrimination

15. Child victims and witnesses should have access to a justice process that protects them from discrimination based on the child's, parent's or legal guardian's race, colour, gender, language, religion, political or other opinion, national, ethnic or social origin, property, disability and birth or other status.

16. The justice process and support services available to child victims and witnesses and their families should be sensitive to the child's age, wishes, understanding, gender, sexual orientation, ethnic, cultural, religious, linguistic and social background, caste, socio-economic condition and immigration or refugee status, as well as to the special needs of the child, including health, abilities and capacities. Professionals should be trained and educated about such differences.

17. In certain cases, special services and protection will need to be instituted to take account of gender and the different nature of specific offences against children, such as sexual assault involving children.

18. Age should not be a barrier to a child's right to participate fully in the justice process. Every child should be treated as a capable witness, subject to examination, and his or her testimony should not be presumed invalid or untrustworthy by reason of the child's age alone as long as his or her age and maturity allow the giving of intelligible and credible testimony, with or without communication aids and other assistance.

VII. The right to be informed

19. Child victims and witnesses, their parents or guardians and legal representatives, from their first contact with the justice process and throughout that process, should be promptly and adequately informed, to the extent feasible and appropriate, of, inter alia:

(a) The availability of health, psychological, social and other relevant services as well as the means of accessing such services along with legal or other advice or representation, compensation and emergency financial support, where applicable;

(b) The procedures for the adult and juvenile criminal justice process, including the role of child victims and witnesses, the importance, timing and manner of testimony, and ways in which "questioning" will be conducted during the investigation and trial;

(c) The existing support mechanisms for the child when making a complaint and participating in the investigation and court proceedings;

(d) The specific places and times of hearings and other relevant events;

(e) The availability of protective measures;

(f) The existing mechanisms for review of decisions affecting child victims and witnesses;

(g) The relevant rights for child victims and witnesses pursuant to the Convention on the Rights of the Child and the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.

20. In addition, child victims, their parents or guardians and legal representatives should be promptly and adequately informed, to the extent feasible and appropriate, of:

(a) The progress and disposition of the specific case, including the apprehension, arrest and custodial status of the accused and any pending changes to that status, the prosecutorial decision and relevant post-trial developments and the outcome of the case;

(b) The existing opportunities to obtain reparation from the offender or from the State through the justice process, through alternative civil proceedings or through other processes.

VIII. The right to be heard and to express views and concerns

21. Professionals should make every effort to enable child victims and witnesses to express their views and concerns related to their involvement in the justice process, including by:

(a) Ensuring that child victims and where appropriate witnesses are consulted on the matters set forth in paragraph 19 above;

(b) Ensuring that child victims and witnesses are enabled to express freely and in their own manner their views and concerns regarding their involvement in the justice process, their concerns regarding safety in relation to the accused, the manner in which they prefer to provide testimony and their feelings about the conclusions of the process;

(c) Giving due regard to the child's views and concerns and, if they are unable to accommodate them, explain the reasons to the child.

IX. The right to effective assistance

22. Child victims and witnesses and, where appropriate, family members should have access to assistance provided by professionals who have received relevant training as set out in paragraphs 40-42 below. This may include assistance and support services such as financial, legal, counselling, health, social and educational services, physical and psychological recovery services and other services necessary for the child's reintegration. All such assistance should address the child's needs and enable him or her to participate effectively at all stages of the justice process.

23. In assisting child victims and witnesses, professionals should make every effort to coordinate support so that the child is not subjected to excessive interventions.

24. Child victims and witnesses should receive assistance from support persons, such as child victim/witness specialists, commencing at the initial report and continuing until such services are no longer required.

25. Professionals should develop and implement measures to make it easier for children to testify or give evidence to improve communication and understanding at the pre-trial and trial stages. These measures may include:

(a) Child victim and witness specialists to address the child's special needs;

(b) Support persons, including specialists and appropriate family members to accompany the child during testimony;

(c) Where appropriate, to appoint guardians to protect the child's legal interests.

X. The right to privacy

26. Child victims and witnesses should have their privacy protected as a matter of primary importance.

27. Information relating to a child's involvement in the justice process should be protected. This can be achieved through maintaining confidentiality and restricting disclosure of information that may lead to identification of a child who is a victim or witness in the justice process.

28. Measures should be taken to protect children from undue exposure to the public by, for example, excluding the public and the media from the courtroom during the child's testimony, where permitted by national law.

XI. The right to be protected from hardship during the justice process

29. Professionals should take measures to prevent hardship during the detection, investigation and prosecution process in order to ensure that the best interests and dignity of child victims and witnesses are respected.

30. Professionals should approach child victims and witnesses with sensitivity, so that they:

(a) Provide support for child victims and witnesses, including accompanying the child throughout his or her involvement in the justice process, when it is in his or her best interests;

(b) Provide certainty about the process, including providing child victims and witnesses with clear expectations as to what to expect in the process, with as much certainty as possible. The child's participation in hearings and trials should be planned ahead of time and every effort should be made to ensure continuity in the relationships between children and the professionals in contact with them throughout the process;

(c) Ensure that trials take place as soon as practical, unless delays are in the child's best interest. Investigation of crimes involving child victims and witnesses should also be expedited and there should be procedures, laws or court rules that provide for cases involving child victims and witnesses to be expedited;

(d) Use child-sensitive procedures, including interview rooms designed for children, interdisciplinary services for child victims integrated in the same location, modified court environments that take child witnesses into consideration, recesses during a child's testimony, hearings scheduled at times of day appropriate to the age and maturity of the child, an appropriate notification system to ensure the child goes

to court only when necessary and other appropriate measures to facilitate the child's testimony.

31. Professionals should also implement measures:

(a) To limit the number of interviews: special procedures for collection of evidence from child victims and witnesses should be implemented in order to reduce the number of interviews, statements, hearings and, specifically, unnecessary contact with the justice process, such as through use of video recording;

(b) To ensure that child victims and witnesses are protected, if compatible with the legal system and with due respect for the rights of the defence, from being cross-examined by the alleged perpetrator: as necessary, child victims and witnesses should be interviewed, and examined in court, out of sight of the alleged perpetrator, and separate courthouse waiting rooms and private interview areas should be provided;

(c) To ensure that child victims and witnesses are questioned in a child-sensitive manner and allow for the exercise of supervision by judges, facilitate testimony and reduce potential intimidation, for example by using testimonial aids or appointing psychological experts.

XII. The right to safety

32. Where the safety of a child victim or witness may be at risk, appropriate measures should be taken to require the reporting of those safety risks to appropriate authorities and to protect the child from such risk before, during and after the justice process.

33. Professionals who come into contact with children should be required to notify appropriate authorities if they suspect that a child victim or witness has been harmed, is being harmed or is likely to be harmed.

34. Professionals should be trained in recognizing and preventing intimidation, threats and harm to child victims and witnesses. Where child victims and witnesses may be the subject of intimidation, threats or harm, appropriate conditions should be put in place to ensure the safety of the child. Such safeguards could include:

(a) Avoiding direct contact between child victims and witnesses and the alleged perpetrators at any point in the justice process;

(b) Using court-ordered restraining orders supported by a registry system;

(c) Ordering pre-trial detention of the accused and setting special "no contact" bail conditions;

(d) Placing the accused under house arrest;

(e) Wherever possible and appropriate, giving child victims and witnesses protection by the police or other relevant agencies and safeguarding their whereabouts from disclosure.

XIII. The right to reparation

35. Child victims should, wherever possible, receive reparation in order to achieve full redress, reintegration and recovery. Procedures for obtaining and enforcing reparation should be readily accessible and child-sensitive.

36. Provided the proceedings are child-sensitive and respect these Guidelines, combined criminal and reparations proceedings should be encouraged, together with informal and community justice procedures such as restorative justice.

37. Reparation may include restitution from the offender ordered in the criminal court, aid from victim compensation programmes administered by the State and damages ordered to be paid in civil proceedings. Where possible, costs of social and educational reintegration, medical treatment, mental health care and legal services should be addressed. Procedures should be instituted to ensure enforcement of reparation orders and payment of reparation before fines.

XIV. The right to special preventive measures

38. In addition to preventive measures that should be in place for all children, special strategies are required for child victims and witnesses who are particularly vulnerable to recurring victimization or offending.

39. Professionals should develop and implement comprehensive and specially tailored strategies and interventions in cases where there are risks that child victims may be victimized further. These strategies and interventions should take into account the nature of the victimization, including victimization related to abuse in the home, sexual exploitation, abuse in institutional settings and trafficking. The strategies may include those based on government, neighbourhood and citizen initiatives.

XV. Implementation

40. Adequate training, education and information should be made available to professionals, working with child victims and witnesses with a view to improving and sustaining specialized methods, approaches and attitudes in order to protect and deal effectively and sensitively with child victims and witnesses.

41. Professionals should be trained to effectively protect and meet the needs of child victims and witnesses, including in specialized units and services.

42. This training should include:

(a) Relevant human rights norms, standards and principles, including the rights of the child;

(b) Principles and ethical duties of their office;

(c) Signs and symptoms that indicate crimes against children;

(d) Crisis assessment skills and techniques, especially for making referrals, with an emphasis placed on the need for confidentiality;

(e) Impact, consequences, including negative physical and psychological effects, and trauma of crimes against children;

(f) Special measures and techniques to assist child victims and witnesses in the justice process;

(g) Cross-cultural and age-related linguistic, religious, social and gender issues;

(h) Appropriate adult-child communication skills;

(i) Interviewing and assessment techniques that minimize any trauma to the child while maximizing the quality of information received from the child;

(j) Skills to deal with child victims and witnesses in a sensitive, understanding, constructive and reassuring manner;

(k) Methods to protect and present evidence and to question child witnesses;

(l) Roles of, and methods used by, professionals working with child victims and witnesses.

43. Professionals should make every effort to adopt an interdisciplinary and cooperative approach in aiding children by familiarizing themselves with the wide array of available services, such as victim support, advocacy, economic assistance, counselling, education, health, legal and social services. This approach may include protocols for the different stages of the justice process to encourage cooperation among entities that provide services to child victims and witnesses, as well as other forms of multidisciplinary work that includes police, prosecutor, medical, social services and psychological personnel working in the same location.

44. International cooperation should be enhanced between States and all sectors of society, both at the national and international levels, including mutual assistance for the purpose of facilitating collection and exchange of information and the detection, investigation and prosecution of transnational crimes involving child victims and witnesses.

45. Professionals should consider utilizing the present Guidelines as a basis for developing laws and written policies, standards and protocols aimed at assisting child victims and witnesses involved in the justice process.

46. Professionals should be enabled to periodically review and evaluate their role, together with other agencies in the justice process, in ensuring the protection of the rights of the child and the effective implementation of the present Guidelines.

Draft resolution II

Strengthening the technical cooperation capacity of the United Nations Crime Prevention and Criminal Justice Programme in the area of the rule of law and criminal justice reform

The Economic and Social Council,

Recalling General Assembly resolutions 46/152 of 18 December 1991 on the creation of an effective United Nations crime prevention and criminal justice programme and 59/159 of 20 December 2004 on strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity,

Recalling also its resolution 2004/25 of 21 July 2004, in which it requested the United Nations Office on Drugs and Crime to consider specific practical strategies to assist in promoting the rule of law, and encouraged the Office to continue to provide technical assistance and advisory services to Member States upon request in support of criminal justice reform and to incorporate elements concerning the rule of law into such assistance,

Recalling further the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century,[45] adopted by the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Vienna from 10 to 17 April 2000, and the plans of action for the implementation of the Vienna Declaration,[46] and welcoming the progress made by Member States in implementing the Vienna Declaration and its plans of action,

Recalling the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice,[47] adopted at the high-level segment of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, held in Bangkok from 18 to 25 April 2005,

Conscious of the support expressed in the Bangkok Declaration for a more integrated approach within the United Nations in relation to the provision of assistance for building capacity in crime prevention and criminal justice, and in cooperation in criminal matters of a transnational character, as a contribution to the establishment and strengthening of the rule of law,

Conscious also of the commitment expressed in the Bangkok Declaration to the development and maintenance of fair and efficient criminal justice institutions, including the humane treatment of all those in pre-trial and correctional facilities, in accordance with applicable international standards,

Welcoming the commitment expressed in the Bangkok Declaration to strengthening the legal and financial framework for providing support to victims of crime and terrorism, to promoting access to justice, to considering the provision of legal aid, to facilitating training for prison officials, prosecutors, the judiciary and other relevant professional groups, taking into account the United Nations standards and norms in crime prevention and criminal justice, to reviewing the adequacy of standards and norms in relation to prison management and prisoners, to ensuring that the problems of HIV/AIDS are addressed in pre-trial and correctional facilities, to further developing restorative justice policies, procedures and programmes that include alternatives to prosecution and to ensuring the provision of services to child victims and children in conflict with the law, in particular those deprived of their liberty,

Taking note of the report of the High-level Panel on Threats, Challenges and Change entitled "A more secure world: our shared responsibility",[48]

Taking note also of the report of the Secretary-General entitled "In larger freedom: towards development, security and human rights for all",[49]

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[45] General Assembly resolution 55/59, annex.
[46] General Assembly resolution 56/261, annex.
[47] A/CONF.203/18, chap. I, resolution 1.
[48] A/59/565 and Corr.1.

Recognizing that effective criminal justice systems can only be developed based on the rule of law and that the rule of law itself requires the protection of effective criminal justice measures,

Recognizing also that effective criminal justice systems based on the rule of law are a prerequisite for combating transnational organized crime, trafficking in human beings, terrorism, corruption and other forms of transnational and domestic criminal activity,

1. *Emphasizes* the role of the United Nations Office on Drugs and Crime in developing and maintaining expertise on the rule of law in criminal justice systems and in providing advice and assistance on issues relating to criminal justice and the rule of law, where appropriate, to Member States, other United Nations entities and intergovernmental organizations at their request;

2. *Reaffirms* the importance of the United Nations Crime Prevention and Criminal Justice Programme in promoting effective action to strengthen international cooperation in crime prevention and criminal justice and in assisting Member States in developing and maintaining fair and efficient criminal justice institutions, including through comprehensive and integrated approaches to criminal justice reform;

3. *Invites* relevant entities of the United Nations system, including the United Nations Development Programme, as well as the World Bank and other international funding agencies, to increase their cooperation and coordination with United Nations entities concerned with supporting the rule of law, including the United Nations Office on Drugs and Crime, in order to promote a more integrated approach to the provision of assistance for building capacity in crime prevention and criminal justice, and in cooperation in criminal matters of a transnational character, as a contribution to the establishment and strengthening of the rule of law;

4. *Reaffirms* the role of the United Nations Office on Drugs and Crime in responding to requests from Member States for technical cooperation, advisory services and other forms of assistance in the field of crime prevention and criminal justice, including in the area of criminal justice reform and reconstruction of national criminal justice systems, and recognizes the need to continue to enhance the provision of assistance in that field to Member States, upon request, in particular to least developed countries, developing countries, countries with economies in transition and countries emerging from conflict;

5. *Invites* all States to support the operational activities of the United Nations Crime Prevention and Criminal Justice Programme, through voluntary contributions to the United Nations Crime Prevention and Criminal Justice Fund or through voluntary contributions in direct support of such activities, including, where appropriate, for the provision of technical assistance for the implementation of the commitments entered into at the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, held in Bangkok from 18 to 25 April 2005;

6. *Expresses its appreciation* to non-governmental organizations and other relevant sectors of civil society for their support for the United Nations Crime

[49] A/59/2005.

Prevention and Criminal Justice Programme, and stresses the necessity to strengthen the role of civil society in criminal justice reform efforts;

7. *Encourages* the United Nations Office on Drugs and Crime to continue providing assistance to Member States, upon request, in particular to least developed countries, developing countries and countries with economies in transition, as well as to countries emerging from conflict, taking into account the leading role of other United Nations entities, such as the Department of Peacekeeping Operations of the Secretariat and the United Nations Development Programme in that area, in reinforcing the rule of law through technical cooperation, advisory services and other forms of assistance in the field of crime prevention and criminal justice reform and reconstruction of national criminal justice systems;

8. *Also encourages* the United Nations Office on Drugs and Crime to continue developing tools and training manuals on criminal justice reform, based on international standards and best practices;

9. *Requests* the Secretary-General to report on the implementation of the present resolution to the Commission on Crime Prevention and Criminal Justice at its sixteenth session.

Draft resolution III

Action to promote effective crime prevention

The Economic and Social Council,

Recalling the guidelines for cooperation and technical assistance in the field of urban crime, annexed to its resolution 1995/9 of 24 July 1995, and the Guidelines for the Prevention of Crime, annexed to its resolution 2002/13 of 24 July 2002,

Recalling also its resolutions 2003/26 of 22 July 2003 and 2004/31 of 21 July 2004, on the prevention of urban crime,

Taking note of the report of the Secretary-General entitled "Action to promote effective crime prevention"[50] and the report of the Executive Director of the United Nations Office on Drugs and Crime entitled "Development, security and justice for all",[51]

Mindful of the importance given to prevention in the United Nations Convention against Transnational Organized Crime[52] and the Protocols thereto[53] and the recognition in the Guidelines for the Prevention of Crime that crime prevention strategies should, where appropriate, take account of the links between local crime problems and transnational organized crime,

Recalling the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice,[54] adopted at the high-level

[50] E/CN.15/2005/15.
[51] E/CN.7/2005/6-E/CN.15/2005/2.
[52] General Assembly resolution 55/25, annex I.
[53] General Assembly resolutions 55/25, annexes II and III, and 55/255, annex.
[54] A/CONF.203/18/chap. I, resolution 1.

segment of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, held in Bangkok from 18 to 25 April 2005,

Bearing in mind that the Bangkok Declaration recognizes that comprehensive and effective crime prevention strategies can significantly reduce crime and victimization and urges that such strategies be further developed and implemented at the local, national and international levels, taking into account, inter alia, the Guidelines for the Prevention of Crime,

Bearing in mind also that the Bangkok Declaration stresses the need to strengthen international cooperation in order to create an environment conducive to the fight against crime, including by promoting growth and sustainable development and eradicating poverty and unemployment through effective and balanced development strategies and crime prevention policies, and to consider measures to prevent the expansion of urban crime, including by improving international cooperation and capacity-building for law enforcement and the judiciary in that area and by promoting the involvement of local authorities and civil society, all of which would contribute to strengthening the rule of law,

Recalling the recommendations set out in the report of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice,[55] which, inter alia, stress the need for well-integrated, knowledge-based approaches, focusing on the most vulnerable areas and groups, and recognize the links between drugs and crime, including local, and transnational organized crime,

Acknowledging the range of approaches to crime prevention, and stressing the importance of exchanging knowledge and sharing successful practices within and between developing countries, developed countries and countries with economies in transition,

Mindful of the eighth World Conference on Injury Prevention and Safety Promotion, to be held in Durban, South Africa, from 2 to 5 April 2006, which is being organized jointly by the University of South Africa, the Medical Research Council of South Africa and the Foundation for Professional Development and co-sponsored by the World Health Organization, and the World Urban Forum III, to be convened by the United Nations Human Settlements Programme in Vancouver, Canada, from 19 to 23 June 2006, both of which will provide an opportunity to exchange knowledge on crime prevention involving the health, urban development and justice sectors,

Noting that the forthcoming regional crime prevention forum for non-governmental organizations from Central and Eastern Europe which is being organized in Vienna on 27 and 28 October 2005 by the Conference of Non-Governmental Organizations in Consultative Relationship with the United Nations, in conjunction with the United Nations Office on Drugs and Crime, will address current problems and activities concerning the prevention of urban crime, human trafficking and corruption,

1. *Calls upon* Member States, intergovernmental and non-governmental organizations, local authorities and civil society to further develop and implement effective crime prevention strategies at national, regional and local levels that take

[55] A/CONF.203/18.

into account, where appropriate, inter alia, the Guidelines for the Prevention of Crime;[56]

2. *Invites* Member States, the United Nations Office on Drugs and Crime, institutes and other entities of the United Nations Crime Prevention and Criminal Justice Programme network, the United Nations Human Settlements Programme and other intergovernmental and non-governmental organizations to support a more integrated approach to building capacity in crime prevention and criminal justice and to promote crime prevention cooperation as a contribution to the establishment and strengthening of the rule of law;

3. *Requests* the United Nations Office on Drugs and Crime, within available extrabudgetary resources, not excluding the use of existing resources from the regular budget of the United Nations Office on Drugs and Crime,[57] to continue to undertake action pursuant to Economic and Social Council resolution 2004/28 of 21 July 2004 in relation to gathering information on standards and norms in crime prevention and criminal justice, given the importance of this as a platform for the exchange of information and successful practices in crime prevention, and calls upon Member States to make voluntary contributions to that end;

4. *Also requests* the United Nations Office on Drugs and Crime to pay due attention to crime prevention, with a view to achieving a balanced approach between crime prevention and criminal justice responses, to further developing initiatives on crime prevention, within available extrabudgetary resources, not excluding the use of existing resources from the regular budget of the United Nations Office on Drugs and Crime,[58] and to promoting such work, where appropriate, with relevant international development organizations involved with sustainable livelihood;

5. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its sixteenth session on progress made in relation to its actions on gathering information in respect of Member States and their crime prevention practices in order to promote effective crime prevention strategies.

Draft resolution IV

Strengthening reporting on crime

The Economic and Social Council,

Aware that regular collection and analysis of relevant information on crime may prove an invaluable tool for policymaking, technical cooperation and law enforcement,

Noting with appreciation the work of the United Nations Office on Drugs and Crime in the regular collection of information on crime trends and the operations of criminal justice systems in pursuance of General Assembly resolution 3021 (XXVII)

[56] Economic and Social Council resolution 2002/13, annex.

[57] This new language does not provide a basis for an increase in the regular budget or requests for supplemental increases.

[58] This new language does not provide a basis for an increase in the regular budget or requests for supplemental increases.

of 18 December 1972 on crime prevention and control and Economic and Social Council resolution 1984/48 of 25 May 1984 on crime prevention and criminal justice in the context of development, which resulted in the conducting of eight United Nations surveys on crime trends and operations of criminal justice systems, as well as the important contribution of the United Nations congresses on crime prevention and criminal justice as a forum for discussion and presentation of their findings,

Recalling General Assembly resolution 59/159 of 20 December 2004 on strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity, in which the Assembly called upon the Secretary-General to strengthen the United Nations Office on Drugs and Crime by providing it with the resources necessary for the full implementation of its mandate in crime prevention and criminal justice, including the preparation of an updated publication on world crime trends,

Recalling also its resolution 1997/27 of 21 July 1997 on strengthening the United Nations Crime Prevention and Criminal Justice Programme with regard to the development of crime statistics and the operations of criminal justice systems, in which it urged Member States to take action for the improvement of crime and criminal justice statistics and to provide support to the participation in the international surveys on victims of crime through extrabudgetary resources,

Considering the need to improve responses to crime, as emphasized in the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice,[59] adopted at the high-level segment of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, held in Bangkok from 18 to 25 April 2005,

Noting with appreciation the work done by the United Nations Office on Drugs and Crime and the institutes of the United Nations Crime Prevention and Criminal Justice Programme network in the area of trends in crime and justice,

1. *Recommends* that the Secretary-General convene an open-ended expert group, within available extrabudgetary resources, not excluding the use of existing resources from the regular budget of the United Nations Office on Drugs and Crime,[60] to consider ways and means of improving crime data collection, research and analyses with a view to enhancing the work of the United Nations Office on Drugs and Crime and other relevant international entities, in particular the United Nations Interregional Crime and Justice Research Institute, as appropriate, to enhance international cooperation and law enforcement;

2. *Invites* Member States to make voluntary contributions to support the work of the open-ended expert group;

3. *Requests* the Secretary-General to submit the results of the meeting of the open-ended expert group to the Commission on Crime Prevention and Criminal Justice at its fifteenth session.

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[59] A/CONF.203/18, chap. I, resolution 1.

[60] This new language does not provide a basis for an increase in the regular budget or requests for supplemental increases.

C. Draft decisions for adoption by the Economic and Social Council

3. The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the adoption of the following draft decisions:

Draft decision I

Report of the Secretary-General on capital punishment and the safeguards guaranteeing protection of the rights of those facing the death penalty

The Economic and Social Council decides:

(a) To request the Secretary-General to continue collecting relevant data and information, in consultation with Governments, in particular through the analysis of questionnaires submitted by them, as well as with specialized agencies and intergovernmental and non-governmental organizations, on capital punishment and the safeguards guaranteeing protection of the rights of those facing the death penalty,[61] and to invite Governments and relevant organizations to provide the requested information;

(b) To request the Secretary-General to prepare additional quinquennial reports on the subject, pursuant to General Assembly resolutions 2857 (XXVI) of 20 December 1971 and 32/61 of 8 December 1977 and Economic and Social Council resolutions 1745 (LIV) of 16 May 1973, 1930 (LVIII) of 6 May 1975, 1989/64 of 24 May 1989, 1990/51 of 24 July 1990, 1995/57 of 28 July 1995 and 1996/15 of 23 July 1996, also for the consideration of the Commission on Crime Prevention and Criminal Justice and, upon request, the Commission on Human Rights.

Draft decision II

Round Table for Africa: crime and drugs as impediments to security and development in Africa: strengthening the rule of law

The Economic and Social Council, recalling its resolution 2004/32 of 21 July 2004, entitled "Implementation of technical assistance projects in Africa by the United Nations Office on Drugs and Crime", in particular paragraph 5 of that resolution, decides to request the Secretary-General:

(a) To mandate the United Nations Office on Drugs and Crime to organize, within available extrabudgetary resources, not excluding the use of existing resources from the regular budget of the United Nations Office on Drugs and Crime,[62] and in coordination with the African Union and interested Member States, the Round Table for Africa for interested Member States, relevant agencies and institutes providing technical assistance to African States and promoting South-South cooperation;

[61] Economic and Social Council resolution 1984/50, annex.

[62] This new language does not provide a basis for an increase in the regular budget or requests for supplemental increases.

(b) To mandate the United Nations Office on Drugs and Crime to convene the Round Table for Africa, which in principle should be held before the end of 2005.

Draft decision III

Report of the Commission on Crime Prevention and Criminal Justice on its fourteenth session and provisional agenda and documentation for its fifteenth session

The Economic and Social Council:

(a) Takes note of the report of the Commission on Crime Prevention and Criminal Justice on its fourteenth session;[63]

(b) Approves the provisional agenda and documentation for the fifteenth session of the Commission as set out below, on the understanding that intersessional meetings will be held in Vienna to finalize the items to be included in the provisional agenda and the documentation requirements for the fifteenth session.

Provisional agenda and documentation for the fifteenth session of the Commission on Crime Prevention and Criminal Justice

1. Election of officers

   (Legislative authority: Economic and Social Council resolution 2003/31)

2. Adoption of the agenda and organization of work

   Documentation

   Provisional agenda, annotations and proposed organization of work

   (Legislative authority: rules 5 and 7 of the rules of procedure of the functional commissions of the Economic and Social Council and Council resolution 1992/1 and decisions 1997/232 and 2005/... [E/CN.15/2005/L.1/Add.1])

3. Work of the United Nations Office on Drugs and Crime

   Documentation

   Report of the Executive Director on the work of the United Nations Office on Drugs and Crime

   (Legislative authority: General Assembly resolution 57/170 and Economic and Social Council resolutions 1992/22 and 1999/23)

   Report of the Secretary-General on the rule of law and development: strengthening the rule of law and the reform of criminal justice institutions, including in post-conflict reconstruction

   (Legislative authority: Economic and Social Council resolution 2004/25)

   Report of the open-ended expert group on ways and means of improving crime data collection, research and analysis with a view to enhancing the work of the

[63] *Official Records of the Economic and Social Council, 2005, Supplement No. 10* (E/2005/30).

United Nations Office on Drugs and Crime and other relevant international bodies

(Legislative authority: Economic and Social Council resolution 2005/...[E/CN.15/2005/L.10])

Report of the Secretary-General on the activities of the institutes of the United Nations Crime Prevention and Criminal Justice Programme network

(Legislative authority: Economic and Social Council resolutions 1992/22, 1994/21 and 1999/23)

Report of the Board of Trustees of the United Nations Interregional Crime and Justice Institute

(Legislative authority: Economic and Social Council decision 1989/56)

4. Thematic discussion

Documentation

Note by the Secretariat (as required)

5. Follow-up to the Eleventh United Nations Congress on Crime Prevention and Criminal Justice

Documentation

Report of the Secretary-General on the follow-up to the Eleventh United Nations Congress on Crime Prevention and Criminal Justice

(Legislative authority: General Assembly resolution 60/... [E/CN.15/2005/L.4/Rev.1])

6. International cooperation in combating transnational crime

Documentation

Report of the Secretary-General on international cooperation in the fight against transnational crime

(Legislative authority: General Assembly resolutions 57/168, 58/169, 59/157 and 60/... [E/CN.15/2005/L.6/Rev.1])

Report of the Secretary-General on the United Nations Convention against Corruption

(Legislative authority: General Assembly resolutions 40/243, 55/61, 56/186, 56/260, 57/169, 59/155 and 60/... [E/CN.15/2005/L.11])

Report of the Secretary-General on preventing, combating and punishing trafficking in human organs

(Legislative authority: General Assembly resolution 59/156)

Report of the Secretary-General on the study on fraud, the criminal misuse and falsification of identity and related crimes

(Legislative authority: Economic and Social Council resolution 2004/26)

7. Strengthening international cooperation and technical assistance in preventing and combating terrorism

Documentation

Report of the Secretary-General on strengthening international cooperation and technical assistance in promoting the implementation of the universal conventions and protocols related to terrorism within the framework of the activities of the United Nations Office on Drugs and Crime

(Legislative authority: General Assembly resolutions 58/136, 59/153 and 60/... [E/CN.15/2005/L.12/Rev.1])

8. Use and application of United Nations standards and norms in crime prevention and criminal justice

Documentation

Report of the Secretary-General on United Nations standards and norms in crime prevention and criminal justice

(Legislative authority: Economic and Social Council resolutions 1992/22 and 2004/28)

Report of the Secretary-General on protection against trafficking in cultural property

(Legislative authority: Economic and Social Council resolution 2004/34)

Report of the Secretary-General on combating the spread of HIV/AIDS in criminal justice pre-trial and correctional facilities

(Legislative authority: Economic and Social Council resolution 2004/35)

9. Strategic management and programme questions

Documentation

Report on the intersessional work of the bureau of the Commission on Crime Prevention and Criminal Justice.

(Legislative authority: Economic and Social Council resolution 2003/31, para. 2)

Note by the Secretary-General on the proposed strategic framework of the period 2008-2009 (as required)

Note by the Secretariat on nomination of members of the Board of Trustees of the United Nations Interregional Crime and Justice Institute (as required)

10. Provisional agenda for the sixteenth session of the Commission

(Legislative authority: rule 9 of the rules of procedure of the functional commissions of the Economic and Social Council and Council decisions 2002/238 and 2005/... [E/CN.15/2005/L.1/Add.1])

Chapter II

Work of the United Nations Office on Drugs and Crime

4. At its 1st and 2nd meetings, on 23 May, the Commission on Crime Prevention and Criminal Justice considered agenda item 3, entitled "Work of the United Nations Office on Drugs and Crime". It had before it the following documents:

(a) Report of the Executive Director on development, security and justice for all (E/CN.7/2005/6-E/CN.15/2005/2);

(b) Report of the Secretary-General on the implementation of technical assistance projects in Africa by the United Nations Office on Drugs and Crime (E/CN.15/2005/3);

(c) Report of the Secretary-General on the activities of the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network (E/CN.15/2005/4 and Add.1).

5. At its 1st meeting, on 23 May 2005, following an introductory statement by the Officer-in-Charge of the Division for Operations of the United Nations Office on Drugs and Crime (UNODC), the Commission heard statements by the observers for the Philippines (on behalf of the States Members of the United Nations that are members of the Group of 77 and China), Bolivia (on behalf of the States Members of the United Nations that are members of the Group of Latin American and Caribbean States) and Luxembourg (on behalf of the States Members of the United Nations that are members of the European Union and its candidate and potential candidate States). A statement was also made by the representative of Ukraine (on behalf of the GUUAM Group, excluding Uzbekistan (Azerbaijan, Georgia, the Republic of Moldova and Ukraine)). The representatives of Algeria, Croatia and Japan also made statements.

6. At its 2nd meeting, on 23 May 2005, following a presentation by the Director of the Division for Policy Analysis and Public Affairs of UNODC, the Commission heard statements by the representatives of Canada, India, Jamaica, Pakistan, the Republic of Korea and the United States of America. Statements were made by the observers for Australia, Morocco, Norway and the Syrian Arab Republic. Statements were also made by the observers for the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders and the United Nations Interregional Crime and Justice Research Institute.

A. Deliberations

7. In his introductory statement, the Officer-in-Charge of the Division for Operations reported that there were currently 105 parties to the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25, annex I), 84 parties to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Organized Crime Convention (Assembly resolution 55/25, annex II) and 74 ratifications of the Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the Organized Crime Convention (Assembly resolution 55/25,

annex III). He noted that, as there had been 41 ratifications of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the Organized Crime Convention (Assembly resolution 55/255, annex), the Protocol would enter into force on 3 July 2005. Furthermore, for the United Nations Convention against Corruption (Assembly resolution 58/4, annex), 22 of the 30 ratifications required for its entry into force had been received.

8. Referring to the work of UNODC, the Officer-in-Charge of the Division for Operations noted that the Office had provided support to Member States through, inter alia, strengthening the rule of law, medium- and long-term project development and implementation, awareness-raising, providing training and the development of best practice tools. In particular, he stressed the importance of assisting Member States in implementing effectively the United Nations conventions and protocols in the field of crime prevention and criminal justice. He also noted that efforts had recently been made to enhance the capacity of the UNODC field network in those areas, as well as to improve inter-agency coordination within the United Nations system.

9. The Officer-in-Charge of the Division for Operations welcomed the willingness of Member States to strengthen UNODC further through sustained funding, and he stressed that to fulfil its mandates the Office was increasing its efforts to leverage funds by inviting other institutions and major donor countries to contribute more resources and by appealing to potential donors in the private sector. He noted the role of the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network in facilitating the exchange of information, research, training and public education in the area of crime prevention and criminal justice. He recalled that, during the previous two years, UNODC had restructured its operations and streamlined its processes, emphasizing a new integrated approach to dealing with problems involving drugs and crime, focusing on the critical role of prevention, to enable the Office to become a more effective catalyst in efforts to make the world a place where peace, security and justice would no longer be the exception but the rule.

10. The Director of the Division for Policy Analysis and Public Affairs made a short statement introducing a report entitled *Why Fighting Crime Can Assist Development in Africa: Rule of Law and Protection of the Most Vulnerable*, which had been prepared pursuant to Economic and Social Council resolution 2004/32 of 21 July 2004. The report presented research on the extent of crime in Africa and assessed the impact of crime on development. He also announced that the Round Table for Africa scheduled at the end of May 2005 had been postponed.

11. Many speakers expressed their Governments' support and appreciation for the work of UNODC in fighting transnational organized crime, corruption and terrorism and in providing technical assistance to Member States. It was stressed that to effectively counter those threats to peace and security, the Office should continue assisting Member States, including those with economies in transition and those emerging from conflict, in building fair and effective criminal justice systems based on the rule of law and good governance. In this context, reference was also made to the need for UNODC to coordinate closely with the Department of Peacekeeping Operations of the Secretariat and the United Nations Development Programme its technical cooperation in countries emerging from conflict, in order to avoid a

possible drain on its resources and duplication of the work of other United Nations entities.

12. The recent reform initiatives of the Secretary-General contained in his report entitled "In larger freedom: towards development, security and human rights for all" (A/59/2005) and the envisaged participation of UNODC in a dedicated rule of law assistance unit, in the proposed Peacebuilding Support Office, was also noted by a number of participants.

13. Several speakers emphasized that the highest priority should be given to the effective implementation of existing international legal instruments, through legal reform, capacity-building and international cooperation, including mutual legal assistance and extradition.

14. A number of representatives stressed that priority should be given to fulfilling the commitments undertaken in the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century (General Assembly resolution 55/59, annex) and the plans of action for its implementation (Assembly resolution 56/261, annex) and in the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice (A/CONF.203/18, chap. I, resolution 1), which constituted a road map for coordinated action in the near future, noting that follow-up mechanisms should be designed to assess the progress made by Member States in fulfilling those commitments.

15. Several representatives expressed support for the UNODC global initiatives, such as the Global Programme against Corruption and the Global Programme against Trafficking in Human Beings, the global initiatives to combat transnational organized crime and the Global Programme against Terrorism. The proposed publication by UNODC of a world crime report was supported by a number of representatives. It was noted that such a report could assist in formulating effective crime control policies and crime prevention strategies.

16. Several speakers expressed concern over the current imbalance between the extensive mandates of UNODC and its limited financial resources, in particular the limited levels of general-purpose funds and funds from the regular budget of the United Nations. The need to increase funding and broaden the donor base of the Office was emphasized. It was also stressed that the Secretariat needed to reduce and avoid redundancy in programming and to set priorities, in particular by improving synergies with drug control initiatives and by promoting the transparency of its work. Some representatives informed the Commission that their Governments had decided in favour of or were considering increasing their voluntary contributions to the United Nations Crime Prevention and Criminal Justice Fund, in particular general-purpose funds. The efforts of the Office to clarify the status of the fund balances were welcomed. It was stated that more information on crime-related projects should be provided in the Programme and Financial Information Management System (ProFi) and that the efficacy of that system should be enhanced. It was stressed that it was important for UNODC to concentrate on evaluation and monitoring processes, on the capacity to incorporate lessons learned into future or continuing projects and on the full implementation of result-based planning, management and budget mechanisms.

17. Several speakers welcomed the emphasis that UNODC had placed on initiatives in Africa. They expressed their support for the plan of action for Africa, as well as the efforts to convene the Round Table for Africa. Some speakers welcomed the idea that similar initiatives could also be carried out in other regions. The need to incorporate crime prevention and criminal justice issues into the development agenda and into the work of the development agencies was emphasized.

18. Some speakers referred to other forms of crime that required further action through international cooperation or the strengthening of the international legal framework. Those forms of crime included kidnapping, trafficking in human organs, urban crime (in particular crime involving violent youth gangs), trafficking in endangered flora and fauna, computer-related crime and trafficking in cultural property. Examples were provided of recent regional or other activities carried out jointly with UNODC in training and international cooperation. The observer for the Syrian Arab Republic, speaking on behalf of the Arab States, referred to Economic and Social Council resolution 2004/30 of 21 July 2004, and welcomed the initiative of the Government of Qatar to host the Second World Summit of Attorneys General and General Prosecutors, Chief Prosecutors and Ministers of Justice in Doha in November 2005, as a contribution to further strengthening international cooperation in criminal matters.

B. Action taken by the Commission

19. At its 10th meeting, on 27 May, the Commission recommended to the Economic and Social Council the adoption of a draft decision entitled "Round Table for Africa: crime and drugs as impediments to security and development in Africa: strengthening the rule of law" (E/CN.15/2005/L.13), sponsored by Algeria, Angola, Bolivia, Egypt, France, Hungary, Italy, Morocco, Namibia, Nigeria, Portugal, South Africa, United Kingdom of Great Britain and Northern Ireland and Zimbabwe. (For the text, see chapter I, section C, draft decision II.) Before the approval of the draft decision, a representative of the Secretariat made a financial statement, the text of which is contained in annex II. Following the approval of the draft decision, statements were made by the observer for Bolivia (on behalf of the Group of Latin American and Caribbean States) and the representative of Nigeria. The observer for Bolivia underlined the strong support of the Group of Latin American and Caribbean States for the Round Table for Africa, to be convened pursuant to Economic and Social Council resolution 2004/32. Referring to the statement by the Executive Director of UNODC indicating the intention of the Office to conduct a study on crime in Central America and the Caribbean, he reiterated the importance of continuing with such initiatives covering the region of Latin America and the Caribbean as a whole, resulting in the preparation of a report on the main challenges in the areas of crime and drug control that could provide the basis for consideration of the links between organized crime and development in the region. The representative of Nigeria noted that the draft decision had been approved for adoption by the Council on the understanding that, before holding the Round Table, there would be preparatory meetings of interested Member States and institutions in Vienna.

Chapter III

Thematic discussion: consideration of the conclusions and recommendations of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice

20. At its 3rd and 4th meetings, on 24 May, the Commission on Crime Prevention and Criminal Justice held its thematic discussion on agenda item 4, entitled "Consideration of the conclusions and recommendations of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice". The Commission had before it a note by the Secretariat containing the Bangkok Declaration (E/CN.15/2005/5). An advance, unedited version of the report of the Eleventh Congress and a compilation of in-session documents of the Eleventh Congress, covering the substantive items of the Congress and the workshops, had also been made available to the Commission.

21. At the 3rd meeting, on 24 May, an introductory statement was made by the Director of the Division for Treaty Affairs of UNODC. Statements were made by the observers for Luxembourg (on behalf of the States Members of the United Nations that are members of the European Union) and Bolivia (on behalf of the Group of Latin American and Caribbean States). Statements were also made by the representatives of Japan, Canada, China, Indonesia, Egypt, Croatia, Thailand, the Russian Federation and the United Kingdom. Statements were also made by the observers for Romania, South Africa and Sweden.

22. At the 4th meeting, on 24 May, statements were made by the representatives of Algeria, Finland, the Republic of Korea, Cuba, India, Uganda, the United States and Brazil. The observers for the Syrian Arab Republic, Burkina Faso, the Bolivarian Republic of Venezuela, Liechtenstein and Qatar also made statements. Statements were also made by the observers for the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, the United Nations Interregional Crime and Justice Research Institute, the European Institute for Crime Prevention and Control, affiliated with the United Nations, the Council of Europe, the International Commission of Catholic Prison Pastoral Care, the National Council of German Women's Organizations, the Asia Crime Prevention Foundation and the American Society of Criminology.

A. Deliberations

23. The Director of the Division for Treaty Affairs expressed his gratitude to the Government of Thailand for its efforts in organizing the Eleventh Congress, making certain that it was not only a successful congress but also a memorable one. He reviewed the achievements of the Eleventh Congress, including the 16 treaty actions (each representing the deposit of an instrument of ratification, acceptance or approval of or accession to one of the United Nations legal instruments) undertaken at the special treaty event held on the occasion of the high-level segment of the Congress. He noted that the forty-first instrument of ratification had been received for the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations

Convention against Transnational Organized Crime, and that, as a result, the Protocol was to enter into force on 3 July 2005. Regarding the implications of the Eleventh Congress for the future work of the Commission, the Director encouraged the Commission to take fully into consideration the report of the Secretary-General of the Congress entitled "Fifty years of United Nations congresses on crime prevention and criminal justice: past accomplishments and future prospects" (A/CONF.203/15). He noted that the study on trends in crime and justice, carried out jointly by the United Nations Interregional Crime and Justice Research Institute and UNODC, had been made available to the Commission.

24. The Director urged the Commission to consider how the Bangkok Declaration could be fully implemented, ensuring that the political commitment expressed in the Declaration would be translated into concrete measures. He mentioned that the ongoing work regarding the plans of action for the implementation of the Vienna Declaration could be considered by the Commission as one possible "implementation platform", taking also into consideration the conclusions and recommendations of the discussion during the Eleventh Congress on its substantive agenda items and the issues considered by the workshops.

25. Many speakers expressed their deep gratitude towards the people and the Government of Thailand for their hospitality and the tireless efforts devoted to the preparations for the Eleventh Congress, which was considered to be a major contribution to the formulation of policies in the fight against crime in all its forms, as well as for the future work of the Commission. Representatives also expressed their appreciation for the work of UNODC in the preparation, organization and servicing of the Eleventh Congress. Speakers also acknowledged the contribution made by Governments and the institutes of the United Nations Crime Prevention and Criminal Justice Programme network to the organization of the workshops held during the Eleventh Congress. The retiring Director of the Division for Treaty Affairs and Executive Secretary of the Eleventh Congress was commended for his outstanding contribution to the United Nations Crime Prevention and Criminal Justice Programme over a period of more than 30 years.

26. Some speakers, referring to the complementary relationship of the Eleventh Congress and the Commission, recognized the clearly defined roles of those bodies in the area of criminal justice. It was emphasized that the congresses represented a unique opportunity to bring together every five years the entire criminal justice community, including high-level officials, experts and practitioners, as well as the media, intergovernmental organizations and non-governmental organizations, whereas the Commission, with its annual sessions, was the main policymaking body of the United Nations in the field of crime prevention and criminal justice.

27. It was noted that the Eleventh Congress had been held at an opportune time, allowing the international community to exchange expertise and views on how to best deal with new challenges posed by all forms of crime, especially in view of their interconnected nature and their serious impact on security, stability and development, as highlighted in the report of the High-level Panel on Threats, Challenges and Change entitled "A more secure world: our shared responsibility" (A/59/565 and Corr.1) and in the report of the Secretary-General entitled "In larger freedom: towards development, security and human rights for all" (A/59/2005).

28. Many representatives expressed the view that the Bangkok Declaration was a crucial political document laying the foundation for and showing the direction in strengthening international coordination and cooperation efforts, in order to prevent and combat crime.

29. Regarding follow-up to the Bangkok Declaration, there was a fruitful discussion on possible ways and means of putting into effect the road map contained in it, in order to create synergy and galvanize strategic alliances in the fight against crime. The following three options were proposed for consideration: first, to follow the same procedure set out in the plans of action for the implementation of the Vienna Declaration; second, to update the Vienna Declaration in view of the new developments and the political agreement reflected in the Bangkok Declaration, thus formulating a consolidated action plan framework; and third, to use the resolutions adopted by the Commission as a point of departure for charting the way towards the implementation of the Bangkok Declaration. After it was emphasized that there was a need for specialized and innovative mechanisms, a fourth option was added, the focus of which was implementation action that could combine both the resolutions and the plans of action.

30. Many representatives reported on national progress made with regard to the ratification and implementation of the international instruments against transnational organized crime, corruption and terrorism. They also reported on a number of forthcoming events and activities aimed at bolstering more robust national and regional mechanisms for ensuring further compliance and adherence to those instruments. Specific examples were given of the substantive assistance that UNODC had been able to provide to Member States in that area. It was noted that, in order to further support UNODC in its efforts to carry out its mandates, greater financial support needed to be provided to the United Nations Crime Prevention and Criminal Justice Programme. In addition, it was emphasized that taking further steps to improve coordination between UNODC and other international entities involved in the fight against crime might yield more successful results in that area.

31. Many representatives drew the attention of the Commission to the destabilizing effects of organized crime on security and development and to the need to take into account the broader socio-economic context, in order to address the underlying causes of organized crime, with a view to developing joint action at the national, regional and international levels, focusing not only on suppressing criminal activities, but also on preventing such activities.

32. Many representatives welcomed the fact that action against terrorism was among the main issues highlighted in the Bangkok Declaration. They called for the acceleration of the process of ratification and implementation of the 13 universal instruments against terrorism. Reference was made to the ongoing negotiation of the draft comprehensive convention on international terrorism and to the strategy based on five pillars described in the report of the Secretary-General (A/59/2005, para. 88).

33. Speakers encouraged States to continue their efforts to ratify the United Nations Convention against Corruption, so that the Convention could enter into force as soon as possible and its implementation mechanism could begin operating. Speakers also highlighted the importance of strengthening international cooperation

to combat corruption and of establishing a mechanism to facilitate the return of proceeds of corruption to their countries of origin.

34. Other representatives referred to developments in information technologies that had led to further opportunities for organized criminal groups to expand their criminal activities and to resort to more sophisticated methods in committing crimes such as money-laundering, fraud and identity fraud, as well as newly emerging forms of crime. Some speakers stressed that, for those reasons, it was important to negotiate a new international instrument; others, however, noted that the Convention on Cybercrime,[64] adopted by the Committee of Ministers of the Council of Europe, could be acceded to not only by member States of the Council of Europe, but also by States that had participated in the negotiation of the Convention and by States that had been invited to accede to it.

35. Most speakers emphasized the need to enhance the consistency of measures taken against money-laundering and to promote the role of financial intelligence units in the overall efforts to prevent financial institutions from being misused for criminal purposes. Some representatives stressed the need to negotiate a comprehensive international convention against money-laundering, as recommended by the High-level Panel on Threats, Challenges and Change in its report (A/59/565 and Corr.1, para. 174); others, however, made reference to the importance of promotion of the existing international measures against money-laundering, including the 40 recommendations of the Financial Action Task Force on Money Laundering.

36. Many delegations underlined the importance of providing technical assistance to developing countries, countries with economies in transition and countries emerging from conflict, in order to build national criminal justice and law enforcement capacities with a view to tackling crime-related problems in an effective manner and promoting the rule of law, in particular by ensuring ratification and full implementation of the international instruments against transnational organized crime, corruption and terrorism.

37. The importance of promoting international cooperation in criminal matters was identified as a critical component in the fight against crime. It was proposed that the mechanisms of extradition, mutual legal assistance and law enforcement cooperation, including the exchange and sharing of information, should be streamlined further to foster the proper administration of justice and to minimize loopholes that individual criminals and organized criminal groups might take advantage of. Some representatives suggested that a comprehensive convention on international cooperation in criminal matters, encompassing all relevant cooperation modalities, should be negotiated, taking into consideration the relevant provisions of the existing United Nations legal instruments against crime.

38. Many representatives stressed the importance of protecting and supporting victims and witnesses of crime, with a view to developing a comprehensive criminal justice response to crime. Reference was made to the need to ensure that national legislation included provisions to protect and facilitate statements of victims and witnesses of crime, in particular in the case of members of vulnerable groups such as minors and women.

[64] Council of Europe, *European Treaty Series*, No. 185.

39. Speakers also emphasized that the use and application of United Nations standards and norms in crime prevention and criminal justice should continue to be accorded high priority, especially in relation to prison management and the human rights of prisoners. One representative introduced a proposal calling for the establishment of an intergovernmental group or standing committee to deal with ways and means of improving correctional systems within the context of a broader penal and criminal justice reform, drawing on the charter of fundamental rights of prisoners proposed by the regional preparatory meetings for the Eleventh Congress (A/CONF.203/RPM.2/1, para. 65; A/CONF.203/RPM.3/1 and Corr.1, para. 50; and A/CONF.203/RPM.4/1, para. 36).

40. Regarding future congresses, it was noted that quality and functionality should not be sacrificed in order to reach consensus more quickly on the outcome. It was suggested that the Commission adopt a more disciplined approach, ensuring that the items of the agenda for the congresses are more well-defined. Furthermore, it was suggested that more time should be allocated to each agenda item, in order to allow for a more in-depth discussion of each item. Another point raised concerned broader participation of non-governmental organizations in the deliberations, including consultations on the political outcome of future congresses.

41. The Director of the Division for Treaty Affairs drew the attention of the Commission to the important impact of the 42 ancillary meetings organized during the Eleventh Congress and to the fact that more than 20 national position papers had been presented by representatives of Member States before or during the Congress. The Director agreed with the view that not enough time had been allocated to the Eleventh Congress. He pointed out, however, that it was impossible to include on the agenda an increased number of items without allowing less time for their consideration, as the duration of the congresses had become shorter. Recalling that the Commission was responsible for identifying the substantive items of the agenda of the congresses, he emphasized that there was a need for greater focus on the more technical discussions. He noted that it was important to consider ways to ensure that the deliberations covered the professional, technical and substantive aspects of the issues under discussion. In concluding, he emphasized that the key to effective action at the international level against transnational organized crime, terrorism and corruption was the ratification and implementation of international instruments against crime by Member States, including the effective functioning of their implementation mechanisms, and their practical application at the national level.

B. Workshop

42. A workshop on the theme "Working modalities and substantive results: report on the Eleventh Congress workshops and ancillary meetings" was organized by the institutes of the United Nations Crime Prevention and Criminal Justice Programme network and coordinated by the United Nations Interregional Crime and Justice Research Institute. The workshop was chaired by Gabriele De Ceglie (Italy), Vice-Chairman of the Commission and Chairman of the Committee of the Whole. Nine presentations were made at the workshop by representatives of the institutes of the Programme network.

43. In his opening remarks, the Chairman stated that the theme of the workshop related to the outcome of the Eleventh Congress and was intended to provide practical guidelines to the implementation of the recommendations of the six workshops.

44. The Deputy Director of the United Nations Interregional Crime and Justice Research Institute recalled the history of the congress workshops and how they had become increasingly integrated into the intergovernmental process over time. He noted that the objective of holding the present workshop during the Commission was to assess the results achieved by the six workshops held at the Eleventh Congress and to discuss possible ways to proceed.

45. The Director of the Division for Treaty Affairs acknowledged the cooperation and collaboration of the institutes of the United Nations Crime Prevention and Criminal Justice Programme network in the successful organization of the Congress workshops and the workshop being held within the framework of the Commission. He expressed the hope that the outcome of the present workshop would represent an important contribution to the thematic debate on the consideration of the conclusions and recommendations of the Eleventh Congress to be held in the plenary. In that respect, he emphasized the important role of the Commission as the preparatory body for the congresses, planning and preparing for the congresses, including by indicating early the substantive items of the provisional agenda and the subjects to be covered by the congress workshops.

46. The observer for the European Institute for Crime Prevention and Control, affiliated with the United Nations, considered that the workshops and ancillary meetings at the Eleventh Congress had been well organized and had provided a wealth of information. He noted that the potential for exchange of information provided by the congresses could be enhanced by ensuring a more focused formulation of the subjects to be covered by the workshops, by providing for more interaction between experts and delegates and by using the results of the workshops as input for the discussion of substantive items and the declaration to be adopted by each of the congresses.

47. The observer for the National Institute of Justice of the United States Department of Justice summarized the results of the Workshop on Enhancing International Law Enforcement Cooperation, including Extradition Measures, coordinated by the European Institute. In assessing the outcome of the Workshop, he highlighted the success stories with examples of bilateral and regional cooperation and the environment of trust resulting from sound technical assistance and training programmes. The tracking of and periodic reports on successful investigations, prosecutions and crime prevention resulting from law enforcement cooperation would assist in identifying gaps and suggesting ways to remedy them.

48. The observer for the International Centre for Criminal Law Reform and Criminal Justice Policy made a presentation on the Workshop on Enhancing Criminal Justice Reform, including Restorative Justice. He suggested that successful criminal justice reform implied the involvement of civil society, relevance to local political agendas, a step-by-step approach and a built-in evaluation component. Furthermore, he indicated that reforms should be part of a broad framework of effective partnerships, shared values and sustained long-term efforts and should

include not only the criminal justice system but also, for example, the health and education systems.

49. The observer for the International Centre for the Prevention of Crime described the follow-up implications of the Workshop on Strategies for Best Practices for Crime Prevention, in particular in Relation to Urban Crime and Youth at Risk. The Workshop had established that preventing local conditions and causal factors that facilitated local crime could also prevent organized crime, transnational organized crime and illicit trafficking. Successful strategies involved targeting areas and youth at risk following good practice and evidence-based models and focusing on implementation and process. In order to achieve better results, there should be a combination of strengths, such as research, training, technical assistance tools and benchmarking, that could be identified within UNODC and the institutes of the United Nations Crime Prevention and Criminal Justice Programme network. Close cooperation among such entities, with the support of the international community, would facilitate capacity-building at the national and local levels.

50. The observer for the International Institute of Higher Studies in Criminal Sciences presented the Workshop on Measures to Combat Terrorism, with reference to the Relevant International Conventions and Protocols. The Workshop had recommended increased ratification of relevant conventions and international instruments, international judicial cooperation, including the suggestion to establish a central national authority on mutual legal assistance and extradition, technical assistance and training of criminal justice personnel, which would include the preparation of curricula and training manuals at the international level with the support of UNODC.

51. The observer for the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders made a presentation on the Workshop on Measures to Combat Economic Crime, including Money-Laundering. Although the Workshop had identified several issues to be dealt with as urgent follow-up, an overarching theme had been the need for more research and data collection, through the clearer definition of economic crime and identity theft, the development of methodologies to address under-reporting, the development of norms and standards, building regional databases and regular information-sharing. That should be accompanied by the establishment of adequate preventive measures, for example through cooperation and shared responsibility between the public sector and the private sector; education, training and information-sharing; development of organizational integrity and transparency; and the protection of whistle-blowers. Technical assistance for the implementation of international instruments and best practices would also be necessary.

52. The observer for the Korean Institute of Criminology made a presentation on the Workshop on Measures to Combat Computer-Related Crime. The outcome of the Workshop could be practically translated into a proposed technical assistance project on the prevention and control of cybercrime, the scope of which would be the development of a model training course for law enforcement personnel from developing countries with a rolling curriculum that included control and prevention. An expert group meeting was to be held in Seoul in 2006, with the participation of the institutes of the United Nations Crime Prevention and Criminal Justice Programme network and the private sector, to develop the project to produce the model training course. The project would include a virtual expert forum under the

auspices of UNODC to facilitate the exchange of information on new trends and approaches in the fight against cybercrime.

53. The observer for the International Scientific and Professional Advisory Council presented the 42 ancillary meetings held during the Eleventh Congress. A report on the ancillary meetings had been made available at the Commission, so that the information provided by them would be available to the international community. Non-governmental organizations had played an important role by their expert contributions and it was recommended that they also be involved in the preparations for future congresses. In thanking the donors, he emphasized that an important component of the success of the ancillary meetings had been the close cooperation in their preparation between the non-governmental organization coordinator and UNODC. He stressed the importance of the congresses as a forum for exchanging practical experiences for policymaking at the international, national and local levels.

54. In his closing remarks, the Deputy Director of the United Nations Interregional Crime and Justice Research Institute provided an overview of the issues discussed during the day, focusing on lessons learned. He stressed the importance of the congress workshops and the desirability of even stronger links between their themes and the topics of the congress in order to ensure fuller use of the technical results in the substantive discussion. He noted that most speakers had made reference to data collection and the need to share and exchange information. In that respect, he suggested that a future workshop might deal with sharing success stories, based on summaries of the experience of Member States. The institutes of the United Nations Crime Prevention and Criminal Justice Programme network were eager to support the Commission in the follow-up to the Eleventh Congress, with particular regard to the exchange of information on trends and best practices concerning the implementation of the Bangkok Declaration and the outcome of the workshops.

C. Action taken by the Commission

55. At its 11th meeting, on 27 May, the Commission recommended to the Economic and Social Council the approval of a revised draft resolution for adoption by the General Assembly entitled "Eleventh United Nations Congress on Crime Prevention and Criminal Justice" (E/CN.15/2005/L.4/Rev.1), sponsored by Australia, Bolivia, Canada, China, Croatia, El Salvador, Japan, Jordan, Liechtenstein, Luxembourg (on behalf of the European Union), Malaysia, Morocco, Nigeria, Peru, Republic of Korea, Russian Federation, Switzerland, Thailand, Turkey and United States of America. (For the text, see chapter I, section A, draft resolution II.)

56. At the same meeting, on 27 May, the Commission recommended to the Economic and Social Council the adoption of a draft resolution entitled "Strengthening reporting on crime" (E/CN.15/2005/L.10), sponsored by Algeria and Bolivia (on behalf of the Group of Latin American and Caribbean States). (For the text, see chapter I, section B, draft resolution IV.) Before the approval of the draft resolution, a representative of the Secretariat made a financial statement, the text of which is contained in annex III.

Chapter IV

Follow-up to the plans of action for the implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century

57. At its 5th meeting, on 25 May, the Commission on Crime Prevention and Criminal Justice considered agenda item 5, entitled "Follow-up to the plans of action for the implementation of the Vienna Declaration on Crime and Justice". It had before it the report of the Secretary-General on follow-up to the plans of action for the implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first century (E/CN.15/2005/12). In addition, a summary of additional information received after the completion of document E/CN.15/2005/12 had been made available to the Commission in a conference room paper (E/CN.15/2005/CRP.7).

58. At the same meeting, following an introductory statement by the Director of the Division for Treaty Affairs, the Commission heard statements by the representatives of Algeria, El Salvador, Indonesia, Jamaica and the Republic of Korea. The observers for Australia and Tunisia also made statements. Statements were made by the observers for the Economic Community of West African States (ECOWAS), the League of Arab States, the International Commission of Catholic Prison Pastoral Care and Pax Romana.

Deliberations

59. In his introductory statement, the Director of the Division for Treaty Affairs presented the report of the Secretary-General on follow-up to the plans of action for the implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century (E/CN.15/2005/12), which reflected information provided by a number of Governments, intergovernmental organizations and non-governmental organizations in response to General Assembly resolution 59/151 of 20 December 2004. He underlined that the information provided had been extremely comprehensive.

60. Many speakers expressed their support for the Vienna Declaration and the plans of action for its implementation, as they provided the international community with an opportunity to work together to address the global challenges of crime prevention and criminal justice. In addition, several speakers reaffirmed their Governments' commitment to the full and successful implementation of the Vienna Declaration using the plans of action.

61. One speaker urged the Commission to take into account the need for States to be given sufficient time to respond to future requests for information, in order to ensure that larger States and those with complex political systems, such as federations, could transmit requests to all relevant agencies and coordinate their input before compiling their national responses.

62. Some speakers reported on the status of ratification by their respective States of the Organized Crime Convention and on progress achieved in their countries in the fight against transnational organized crime.

63. A number of speakers indicated that their States had ratified the United Nations Convention against Corruption or were preparing to ratify it. They provided information on the legislative and regulatory frameworks adopted to prevent and suppress corruption, in accordance with the provisions of the Convention, for example, the establishment of certain acts (in particular bribery) as offences and the introduction of measures to promote transparency in the public service, to protect and reward "whistle-blowers", to ensure the recovery of assets derived from corruption and to require certain public officers to declare annually their assets.

64. Some representatives reported on measures taken in their countries to combat trafficking in persons and the smuggling of migrants, including ratification of the Trafficking in Persons Protocol and the Migrants Protocol, the adoption of legislation to prevent and combat those activities more effectively and the development of programmes to improve border controls.

65. One representative indicated that his State had ratified the Firearms Protocol and was making the necessary changes to national legislation.

66. A number of speakers indicated that legislation against money-laundering had recently been adopted in their countries and reported on the establishment, powers and functioning of their national financial intelligence units. Information was also provided on initiatives to establish cross-border financial information networks with neighbouring countries.

67. Some speakers stressed their Governments' commitment to fighting terrorism and reported on the ratification of the existing international conventions against terrorism and on the enactment of legislation against terrorism, including the financing of terrorism.

68. Some representatives, referring to measures taken by their Governments in areas covered by the Vienna Declaration, such as crime prevention, prison overcrowding and restorative justice, described how such measures had drawn inspiration from the Declaration and the plans of action for its implementation.

69. A number of speakers reported on action undertaken in their countries to enhance the protection of witnesses and victims of crime, including by revising relevant national legislation and by setting up a victim protection programme, as well as on national initiatives launched in the area of juvenile justice, in accordance with the principles contained in the Vienna Declaration and the plans of action for its implementation.

70. One speaker, commenting on action against high-technology and computer-related crime, provided statistical information on the increasing incidence of cybercrime in his country. He reported on the establishment of specialized units within prosecution and police services and of plans to update and strengthen relevant legislation. Commenting on action on the special needs of women in the criminal justice system, another speaker provided information on legislative developments in his country in the areas of prevention of prostitution, prevention of gender discrimination and prevention of sexual harassment. He reported on the

adoption in 2002 of a comprehensive action plan to eliminate domestic and sexual violence and outlined measures carried out in accordance with that action plan.

71. The observer for ECOWAS briefed the Commission on activities undertaken by the Community against crimes covered by the Vienna Declaration, in particular money-laundering and trafficking in persons and firearms; those activities included joint programmes and projects undertaken with the support of UNODC. The observer for the League of Arab States emphasized the importance attached by the League to crime prevention through regional and international cooperation and to combating transnational organized crime, corruption and terrorism, as well as to cooperation with UNODC. The observer for the International Commission of Catholic Prison Pastoral Care welcomed the initiatives reported by the representatives of a number of countries in the areas of crime prevention, prevention of prison overcrowding and provision of alternatives to incarceration, and those addressing juvenile justice and the special needs of women in the criminal justice system. The observer for Pax Romana reported on the activities undertaken by her organization to address the root causes of crime, including poverty and social injustice.

Chapter V

International cooperation in combating transnational crime

72. At its 5th, 6th and 7th meetings, on 25 and 26 May 2005, the Commission on Crime Prevention and Criminal Justice considered agenda item 6, entitled "International cooperation in combating transnational crime". It had before it the following documents:

(a) Report of the Secretary-General on the United Nations Convention against Transnational Organized Crime and the Protocols thereto (E/CN.15/2005/6);

(b) Report of the Secretary-General on the establishment of an intergovernmental expert group to prepare a draft model bilateral agreement on disposal of confiscated proceeds of crime covered by the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 (E/CN.15/2005/7);

(c) Report of the Secretary-General on strengthening international cooperation in preventing and combating trafficking in persons and protecting victims of such trafficking (E/CN.15/2005/8);

(d) Report of the Secretary-General on the United Nations Convention against Corruption (E/CN.15/2005/9);

(e) Report of the Secretary-General on illicit trafficking in protected species of wild flora and fauna (E/CN.15/2005/10);

(f) Report of the Secretary-General on progress made by the Intergovernmental Expert Group to Prepare a Study on Fraud, the Criminal Misuse and Falsification of Identity (E/CN.15/2005/11).

A. Deliberations

73. At its 5th meeting, on 25 May, following an introductory statement by the Deputy Executive Director of UNODC and Director of the Division for Operations, the Commission heard statements by the observers for the Philippines (on behalf of the Group of 77 and China), Luxemburg (on behalf of the States members of the European Union and its candidate and potential candidate States) and Bolivia (on behalf of the Group of Latin American and Caribbean States). The representative of Croatia also made a statement.

74. At its 6th meeting, on 25 May, the Commission heard statements by the representatives of Indonesia, El Salvador, Iran (Islamic Republic of), Turkey, Paraguay, Algeria, the United States, Egypt and the Republic of Korea. Statements were also made by the observers for Chile, the Philippines, Colombia, Azerbaijan, Portugal and Australia. A statement was also made by the representative of Canada, speaking in his capacity as rapporteur of the Intergovernmental Expert Group to Prepare a Study on Fraud, the Criminal Misuse and Falsification of Identity.

75. At its 7th meeting, on 26 May, the Commission heard statements by the representatives of India, Pakistan, Canada and Brazil. Statements were also made by the observers for ECOWAS and the International Federation of Red Cross and Red Crescent Societies.

76. Reference was made to the report of the High-level Panel on Threats, Challenges and Change (A/59/565 and Corr.1) and the report of the Secretary-General entitled "In larger freedom: towards development, security and human rights for all" (A/59/2005). It was generally agreed that transnational organized crime was one of the most serious security threats facing the international community. A number of speakers pointed out that money-laundering also posed a serious challenge. The desirability of a new global instrument to address money-laundering was discussed, as well as the importance of fully utilizing the existing legal frameworks against money-laundering. Several speakers also noted that cybercrime and the use of technology by criminal groups, including terrorists, posed serious problems and that, consequently, more effective global action was required by the international community to provide security to cyberspace and critical infrastructure, including through the use of existing international instruments. In addition, developing countries needed technical cooperation assistance to deal with those threats effectively. Furthermore, more efforts should be made by the international community to combat trafficking in cultural property.

77. The full implementation of the Organized Crime Convention and its Protocols would greatly contribute to efforts to prevent and combat transnational organized crime more effectively. Several speakers welcomed the forthcoming entry into force of the Firearms Protocol. A number of speakers also welcomed the establishment in 2004 of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the outcome of its first session, held in Vienna from 28 June to 9 July 2004. They expressed the wish that the second session of the Conference of the Parties, to be held in Vienna from 10 to 21 October 2005, would play a vital role in further strengthening international cooperation and promoting effective implementation of the Organized Crime Convention and the Protocols thereto. Many speakers referred to their Governments' efforts to bring national legislation into compliance with the provisions of the Organized Crime Convention and its Protocols. Representatives of some of the States that had not yet become parties to the Organized Crime Convention and the Protocols thereto informed the Commission of the progress made towards the ratification of or accession to those legal instruments. Several speakers also shared their Governments' experience in the area of international cooperation on criminal matters, such as extradition and mutual legal assistance, emphasizing the need for further efforts to make those tools of international cooperation more functional and expeditious. The importance of designating a central authority, in accordance with the Organized Crime Convention, was also underscored.

78. Noting the critical importance of providing technical assistance and building institutional capacity to enable developing countries and countries with economies in transition to implement fully the Organized Crime Convention and its Protocols, many speakers called for increased technical assistance in those areas. The representatives of some donor countries informed the Commission of technical assistance programmes that were already in place. Several speakers expressed their appreciation for the work of UNODC in promoting the ratification and

implementation of the Organized Crime Convention and the Protocols thereto. The Office was requested to continue providing technical assistance in those areas, including by organizing workshops and facilitating information exchange.

79. The Deputy Executive Director of UNODC and Director of the Division for Operations referred to General Assembly resolution 58/137 of 22 December 2003, in which the Assembly had urged Member States to take measures to ratify or accede to, inter alia, the Trafficking in Persons Protocol and to employ a comprehensive approach to combating the phenomenon. She informed the Commission that the report of the Secretary-General prepared pursuant to that resolution (E/CN.15/2005/8) reflected the replies received from 37 countries, as well as numerous entities in the United Nations system. She stressed the need to improve data collection and capacity-building at the national level. She noted that UNODC would publish a global report on human trafficking trends before the end of 2005.

80. Several speakers informed the Commission of action taken by their Governments towards ratifying the Trafficking in Persons Protocol, including the adoption of national strategies, programmes and policies, the establishment of national mechanisms and the development of bilateral and regional frameworks and agreements to prevent trafficking in persons. Several speakers noted that victim support mechanisms, as well as measures to raise community awareness and other prevention strategies, had been introduced in their countries. One speaker emphasized that any meaningful action against trafficking in human beings should also address the demand side of the issue, including child pornography.

81. Many speakers called upon those States which had not yet done so to complete the ratification process and fulfil their obligations under the Trafficking in Persons Protocol. They called upon UNODC to give priority to that area, emphasizing the need to strengthen the coordination of efforts within States, as well as at the regional and the interregional levels, to prevent trafficking in persons.

82. A number of speakers noted that their countries were used as transit points for trafficking in persons. It was pointed out that such trafficking was rapidly increasing and that, in several States, it represented one of the largest sources of profit for organized criminal groups. It was stated that the phenomenon was not confined to any region or group of States but had assumed global proportions.

83. Speakers emphasized the importance of awareness-raising activities, as well as capacity-building in civil society and broad alliances to promote initiatives to combat trafficking in persons. It was stressed that such activities should be given high priority by Governments and UNODC. Speakers also stressed the need to provide technical assistance, for example, through advisory services, specialized training and capacity-building programmes. Speakers also called on donor States to increase funding for the work of UNODC in those areas.

84. In introducing the report of the Secretary-General on the United Nations Convention against Corruption (E/CN.15/2005/9), the Deputy Executive Director of UNODC and Director of the Division for Operations referred to UNODC activities to promote the entry into force of the Convention, the preparation of a legislative guide and the provision of technical assistance for the ratification and implementation of the Convention. She underlined the need to provide support to States requiring assistance to adopt anti-corruption legislation and establish

mechanisms for the implementation of the Convention. It was noted that the imbalance in the composition of the States that had ratified the Convention, in particular the absence of developed countries, needed to be redressed before the Convention entered into force.

85. Many speakers reaffirmed their support for and commitment to the United Nations Convention against Corruption, noting that it was a unique instrument, essential to efforts to fight corruption at the global level, and urging States that were not yet parties to the Convention to give priority to ratifying it. While several speakers referred to steps taken to advance the ratification process, others noted that adequate resources should be provided to UNODC to enable it to assist States, especially developing countries and countries with economies in transition, upon request.

86. Many speakers, reporting on activities undertaken in their countries to reduce the incidence of corruption, acknowledged the detrimental and destabilizing effects of corruption at the social, economic and political levels. They provided information on measures taken to improve governance and ensure transparency in the public service, on the enactment of new legislation, on the adoption of national action plans, on the establishment of anti-corruption commissions and on the strengthening of regional and international cooperation.

87. A number of speakers reported on initiatives taken at the regional and international levels to combat corruption. Reference was made to the work carried out in the framework of the Asia-Pacific Economic Cooperation, the Association of Southeast Asian Nations, the Organization of American States and the Organization for Economic Cooperation and Development. Information was also provided on the organization of the global forum against corruption to be held in Brasilia from 7 to 10 June 2005.

88. The recovery and return of illegally acquired assets was highlighted by several speakers as a matter of crucial importance in the fight against corruption. They underlined that the United Nations Convention against Corruption was the only international instrument dealing with the issue of asset recovery and return in the context of corruption. Various speakers expressed the view that signatory States should make every effort to strengthen cooperation in accordance with chapter V of the Convention, pending its entry into force.

89. Referring to the outcome of the meeting of the intergovernmental expert group to prepare a draft model bilateral agreement on disposal of confiscated proceeds of crime covered by the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, held in Vienna from 26 to 28 January 2005, a number of speakers noted that the work of the intergovernmental expert group would promote international cooperation in the area of sharing confiscated proceeds of crime or property.

90. The work of the intergovernmental expert group was welcomed as an example of the effort of the international community to confiscate the proceeds of crime and put them to proper use. While some representatives referred to the need to continue working on the work on the draft model bilateral agreement with a view to reaching a balanced and consensual text that would take into account all the relevant concerns, others pointed out that the future model bilateral agreement should reflect

the principle enshrined in article 14, paragraph 2, of the Organized Crime Convention, which stipulated that priority consideration should be given to restitution (compensation to the victims of the crime or return of the proceeds to their legitimate owners) over other asset-sharing modalities. A number of speakers noted that the future model bilateral agreement should not prejudice the principles set forth in the United Nations Convention against Corruption, especially the provisions of chapter V, on asset recovery, or the development, at a later stage, of any appropriate mechanism to facilitate the implementation of that Convention.

91. Some representatives expressed concern that the future model bilateral agreement might be of a mandatory nature. It was pointed out that the model bilateral agreement would be entirely optional, as it would be used as a resource guide for assisting States in enhancing cooperation in the area of asset-sharing.

92. Reference was made to the report of the Secretary-General on the progress made by the Intergovernmental Expert Group to Prepare a Study on Fraud, the Criminal Misuse and Falsification of Identify (E/CN.15/2005/11), prepared pursuant to Economic and Social Council resolution 2004/26 of 21 July 2004. It was noted that an information-gathering instrument (E/CN.15/2005/CRP.5) had been prepared by UNODC as follow-up to the meeting of the Intergovernmental Expert Group, held in Vienna on 17 and 18 March 2005. A number of speakers emphasized that the provision of technical assistance and assistance in capacity-building was crucial to combating fraud, including identity fraud. The Rapporteur of the Intergovernmental Expert Group presented a methodology established by the expert group for further work, indicating that the study would be based on information and data received from Governments through the questionnaire that had been made available to the Commission, as well as information from individual experts and private-sector sources, gathered with the cooperation of the United Nations Commission on International Trade Law secretariat. The study would provide an overview of the various forms of fraud, including identity fraud, and take into consideration contextual information on legitimate commercial activities and establishment of identity in different jurisdictions.

93. A number of speakers indicated that their Governments supported the work of the Intergovernmental Expert Group. They emphasized the importance of developing a sound methodology, collecting and analysing data and assessing trends and patterns of those new forms of crime, in order to inform policy decisions. The Commission was given a recent example of well-organized patterns and practices involving fraud and identity theft, through the abuse of the Internet, to fraudulently divert donations given in good faith for humanitarian assistance.

94. With regard to illicit trafficking in protected species of wild flora and fauna, it was noted that such activities posed a significant threat to the protection of the environment and in particular to endangered species. Reference was made to the report of the Secretary-General on the subject (E/CN.15/2005/10), which provided information on efforts at the national level to protect wild flora and fauna, including through more effective law enforcement. It was noted that much work remained to be done in that area.

95. Some speakers emphasized the seriousness of trafficking in flora and fauna, raising concern about the increased involvement of transnational organized criminal groups in those activities, as well as their environmental, economic and social

consequences. Speakers also called for more concerted international action and cooperation to prevent trafficking in cultural property.

96. Although it was recognized that States had sovereign rights over their own biological and genetic resources, there was a call for international cooperation and implementation of the relevant international instruments, such as the Convention on International Trade in Endangered Species of Wild Fauna and Flora[65] and the Convention on Biological Diversity.[66] In particular, cooperation and exchange of information with developing countries and relevant international organizations were seen as crucial steps to combating and preventing those illegal activities. It was stressed that there was a need for a more comprehensive approach that would include awareness-raising and education in fighting trafficking in flora and fauna.

97. A number of speakers expressed their concern over the increasing rate of kidnapping, stressing that such actions were linked with organized criminal groups and terrorist groups. It was emphasized that kidnapping was increasingly being used to fund terrorist activities and that the practice had reached an alarming level in some countries, where it had devastating effects on the victims and their families.

98. One speaker, describing in detail the nature and extent of the problem of kidnapping in his country, reported that, due to effective national responses, the number of kidnapping cases had been significantly reduced. That had been achieved as a result of a comprehensive approach that included enhancing law enforcement capabilities, reforming the legislative framework, raising awareness and building public trust and promoting international cooperation, including the exchange of information and knowledge. Several speakers expressed their appreciation for the work of UNODC, with the support of Colombia, in developing a manual on countering kidnapping.

B. Action taken by the Commission

99. At its 11th meeting, on 27 May, the Commission recommended to the Economic and Social Council the approval of a revised draft resolution for adoption by the General Assembly entitled "Model bilateral agreement on the sharing of confiscated proceeds of crime or property covered by the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988" (E/CN.15/2005/L.3/Rev.1), sponsored by Australia, Canada, El Salvador, Liechtenstein, Luxembourg (on behalf of the European Union), Malaysia, Norway, Switzerland, Ukraine and the United States of America. (For the text, see chapter I, section A, draft resolution I.) Before the approval of the draft resolution, a representative of the Secretariat made a financial statement, the text of which is contained in annex IV.

100. At the same meeting, the Commission recommended to the Economic and Social Council the approval of a revised draft resolution for adoption by the General Assembly entitled "International cooperation in the fight against transnational organized crime" (E/CN.15/2005/L.6/Rev.1), sponsored by Algeria, Angola, Bolivia,

[65] United Nations, *Treaty Series*, vol. 993, No. 14537.
[66] Ibid., vol. 1760, No. 30619.

Burkina Faso, Croatia, Egypt, El Salvador, Italy, Jordan, Lebanon, Malaysia, Morocco, Namibia, Nigeria, Oman, Peru, Poland, Serbia and Montenegro, South Africa, Spain, Sweden, the Syrian Arab Republic, Thailand, Turkey, the United States of America, Yemen and Zambia. (For the text, see chapter I, section A, draft resolution IV.) Before the approval of the draft resolution, a representative of the Secretariat made a financial statement, the text of which is contained in annex V.

101. At the same meeting, the Commission recommended to the Economic and Social Council the approval of a draft resolution for adoption by the General Assembly entitled "Action against corruption: assistance to States in capacity-building with a view to facilitating the entry into force and subsequent implementation of the United Nations Convention against Corruption" (E/CN.15/2005/L.11), sponsored by Algeria, Argentina, Austria, Australia, Bolivia, Brazil, Chile, China, Croatia, Ecuador, Egypt, El Salvador, Finland, Iran (Islamic Republic of), Jordan, Lebanon, Mexico, Morocco, Nigeria, Norway, Pakistan, Peru, Paraguay, Serbia and Montenegro, South Africa, Spain, Sweden, Switzerland, the Syrian Arab Republic, Thailand, Turkey, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Venezuela (Bolivarian Republic of) and Yemen. (For the text, see chapter I, section A, draft resolution V.) Before the approval of the draft resolution, a representative of the Secretariat made a financial statement, the text of which is contained in annex VI.

102. At the same meeting, the Commission recommended to the Economic and Social Council the approval of a revised draft resolution for adoption by the General Assembly entitled "Action against transnational organized crime: protection of witnesses" (E/CN.15/2005/L.5/Rev.1), sponsored by Algeria, Austria, Bolivia (on behalf of the Group of Latin American and Caribbean States), the Czech Republic, Hungary, Italy, Jordan, Lebanon, Serbia and Montenegro, Spain, Sweden, Thailand and Yemen. (For the text, see chapter I, section A, draft resolution III.) Before the approval of the draft resolution, a representative of the Secretariat made a financial statement, the text of which is contained in annex VII.

103. At the same meeting, the Commission recommended to the Economic and Social Council the adoption of a revised draft resolution entitled "Strengthening the technical cooperation capacity of the United Nations Crime Prevention and Criminal Justice Programme in the area of the rule of law and criminal justice reform" (E/CN.15/2005/L.8/Rev.1), sponsored by Bolivia, Canada, Chile, Egypt (on behalf of the States Members of the United Nations that are members of the Group of African States), El Salvador, Jordan, Lebanon, Luxembourg (on behalf of the European Union), Malaysia, Oman, Peru, the Republic of Korea, Thailand, Turkey, the Syrian Arab Republic and Yemen. (For the text, see chapter I, section B, draft resolution II.)

Chapter VI

Strengthening international cooperation and technical assistance in preventing and combating terrorism

104. At its 7th and 8th meetings, on 26 May 2005, the Commission on Crime Prevention and Criminal Justice considered agenda item 7, entitled "Strengthening international cooperation and technical assistance in preventing and combating terrorism". It had before it the report of the Secretary-General on strengthening international cooperation and technical assistance in promoting the implementation of the universal conventions and protocols related to terrorism within the framework of the activities of the United Nations Office on Drugs and Crime (E/CN.15/2005/13).

105. At its 7th meeting, on 26 May, the Chief of the Terrorism Prevention Branch of UNODC made an introductory statement. Statements were made by the observers for the Philippines (on behalf of the Group of 77 and China), Luxembourg (on behalf of the States members of the European Union and its candidate and potential candidate States) and Bolivia (on behalf of the Group of Latin American and Caribbean States). Statements were also made by the representatives of Croatia, Indonesia, El Salvador, Pakistan, Cuba, Turkey, Canada, the Republic of Korea and the United States. The observers for Chile, Azerbaijan, Kuwait, Yemen, the United Arab Emirates, Australia and the Syrian Arab Republic also made statements.

106. At its 8th meeting, on 26 May, the Commission heard statements by the representatives of Iran (Islamic Republic of), China, India, Brazil, Paraguay, Algeria, Egypt and Italy. Statements were also made by the observers for Tunisia, Burkina Faso, Germany, Portugal, Venezuela (Bolivarian Republic of) and Guatemala. The observer for the League of Arab States also made a statement.

A. Deliberations

107. The introductory statement by the Secretariat referred to the work of the United Nations Office on Drugs and Crime in the area of providing technical assistance related to counter-terrorism, including bilateral, subregional and regional assistance activities and the development of tools for technical assistance. In that context, the attention of the Commission was drawn to the set of technical assistance guidelines drafted by a group of international experts that had been presented to the Commission at its thirteenth session. He noted that, in order to counter terrorism effectively, activities needed to be undertaken in compliance with the rule of law and with due consideration for human rights. He referred to the work of the Terrorism Prevention Branch of the Division for Treaty Affairs of UNODC in supporting the development of activities and programmes with relevant national, regional and international players.

108. All speakers condemned terrorism in all its forms and manifestations. Terrorism threatened development and undermined global stability and prosperity. Speakers welcomed the recent adoption by the General Assembly of the International Convention for the Suppression of Acts of Nuclear Terrorism (General Assembly resolution 59/290, annex) as the thirteenth universal instrument against

terrorism, which reinforced the existing arsenal of universal instruments against terrorism. The need to complete the work on the draft comprehensive convention on international terrorism was highlighted by most speakers. One speaker suggested that until such time as consensus on the comprehensive convention had been reached, a global code of conduct could be developed to strengthen multilateral efforts and coordination. Some speakers called for an international conference against terrorism to be held under the aegis of the United Nations.

109. In the context of the negotiation of a comprehensive convention on international terrorism, it was pointed out that developing a clear and precise definition of terrorism would contribute to the fight against international terrorism. Some speakers emphasized the need for such a definition to differentiate terrorism from the legitimate struggle of people to acquire the right of self-determination. In that context, reference was made to the report of the Secretary-General entitled "In larger freedom: towards development, security and human rights for all", in which the Secretary-General had endorsed the call of the High-level Panel on Threats, Challenges and Change for a definition of terrorism which would make it clear that, in addition to actions already proscribed by existing conventions, any action constituted terrorism if it was intended to cause death or serious bodily harm to civilians or non-combatants with the purpose of intimidating a population or compelling a Government or an international organization to do or abstain from doing any act (A/59/2005, para. 91).

110. Speakers welcomed the comprehensive strategy presented by the Secretary-General to the International Summit on Democracy, Terrorism and Security, held in Madrid from 8 to 11 March 2005, which had been characterized by what he called the five "Ds", namely, dissuasion, denial, deterrence, development of state capacity and defence of human rights.

111. Speakers referred to the need for a long-term comprehensive strategy against terrorism. In that regard, some speakers underlined the crucial role of the rule of law and functioning criminal justice systems in the fight against terrorism. One speaker stated that the rule of law must remain intact in the fight against crime and terrorism. Most speakers emphasized that international cooperation was crucial to any effort to prevent and combat international terrorism. In that context, information-sharing was seen as vital. Similarly, combating money-laundering and the financing of terrorism were seen as important measures to prevent terrorist acts.

112. Many speakers underlined the central role of the United Nations in the fight against terrorism and in promoting international cooperation. They noted the important work being carried out by the Counter-Terrorism Committee and its Executive Directorate and the complementarity and high value of the technical assistance delivered by the Terrorism Prevention Branch of UNODC. Speakers expressed their satisfaction with the work of the Branch in assisting countries in becoming parties to and implementing the relevant universal instruments against terrorism, including by strengthening and improving their national crime prevention and criminal justice capabilities and reinforcing international cooperation. There was also mention of the assistance provided by the Counter-Terrorism Action Group of the Group of Eight.

113. Speakers noted the links that existed between terrorism and other forms of crime, in particular the use of criminal activities to generate funds for terrorist acts.

While it was recognized that such links existed on some occasions and in some regions, the phenomena could not be automatically or routinely linked in all countries. Some speakers cautioned that the tools developed to fight terrorism as a serious threat to national security should not be used or abused in fighting other forms of criminal activity.

114. Speakers emphasized that any response to terrorism at the national, regional and international levels needed to be based upon agreed values, norms, standards and institutions. The implementation of the universal instruments against terrorism should be undertaken with full respect for the rule of law and international law, especially human rights, refugee and humanitarian law.

115. Several speakers emphasized that any prevention strategy also needed to address the root causes and risk factors of crime and terrorism, such as injustice, poverty, unemployment, the marginalization of vulnerable people, lack of education, as well as double standards. They also noted that enhancing dialogue among civilizations and cultures, promoting tolerance and preventing indiscriminate targeting of different religions, cultures and ethnic groups, as well as avoiding double standards and politically biased treatment of the issue, should be components of any such strategy. Education and public information were also regarded as important elements. Some speakers emphasized that addressing development, social and economic issues and settling unresolved conflicts, in particular regional disputes, were also important aspects of a comprehensive strategy. The need to recognize State terrorism was also mentioned.

116. Speakers expressed support for the role played by UNODC in fighting terrorism by providing technical assistance to States in reviewing domestic legislation and procedures and strengthening capacity to implement laws, rules and procedures. Many speakers expressed appreciation for the technical assistance tools developed by UNODC, including the various legislative guides.

117. Some speakers suggested additional activities that the Terrorism Prevention Branch might engage in, such as promoting all aspects of international cooperation to facilitate action against terrorism, helping to enact analogous legislation against terrorism and studying further the links between terrorism and other forms of crime.

118. Some speakers called upon the international community to provide adequate financial resources for the Terrorism Prevention Branch to enable it to carry out its tasks effectively, while others recalled the contributions already made to UNODC and still others stated their intention to provide additional resources to the Branch.

119. Several speakers noted the record of their Governments in ratifying existing universal and regional instruments related to the prevention and suppression of international terrorism and made reference to specific national, subregional and regional workshops that had been held to assist in their ratification and implementation. They also referred to the process of bringing national legislation into compliance with international standards for the implementation of the ratified instruments and taking into full consideration the requirements of Security Council resolution 1373 (2001) of 28 September 2001. Adopted legislative measures included the criminalization of new offences, enhancing capacity to prevent, prosecute and sanction terrorist acts, and introducing specific steps to identify the financing of terrorism, including new provisions for the seizure and confiscation of funds. Other measures included the creation of specialized counter-terrorism bodies,

inter-agency coordination mechanisms and capacity-building in police, customs and intelligence agencies to respond effectively to the threat of international terrorism. Many speakers also announced that their Governments had entered into bilateral or subregional agreements on international cooperation, in particular relating to extradition and mutual legal assistance. Some speakers referred to their Governments' cooperation with subregional, regional and international organizations. Most speakers also made reference to other legislative and institutional measures that had been taken, such as enacting and amending national laws, establishing specialized counter-terrorism bodies and building capacities. Education was used as a means of dissuading young people from engaging in or supporting terrorism and of raising public awareness.

120. Several speakers noted that their countries had been victims of terrorism. It was also noted that national measures against terrorism should address the needs of victims of terrorism, by the inclusion in legislation and in criminal justice systems of special measures to protect and assist victims.

121. In his concluding remarks, the representative of the Secretariat, noting the quality of the interventions, pointed out a number of recurring issues, such as the need not only to provide assistance to Member States on legal matters related to terrorism, but also to provide sustainable support for the ratification of the Organized Crime Convention and the Protocols thereto, as well as of the United Nations Convention against Corruption, so that countries would be equipped to face terrorism and other forms of crime whenever there were links among them, as recognized by the Security Council in its resolution 1373 (2001). He also reiterated that the implementation of the universal instruments against terrorism should be undertaken in compliance with the rule of law and giving full consideration to human rights rather than a balance having to be struck between the two.

B. Action taken by the Commission

122. At its 11th meeting, on 27 May, the Commission recommended to the Economic and Social Council the approval of a revised draft resolution for adoption by the General Assembly entitled "Strengthening international cooperation and technical assistance in promoting the implementation of the universal conventions and protocols related to terrorism within the framework of the activities of the United Nations Office on Drugs and Crime" (E/CN.15/2005/L.12/Rev.1), sponsored by Algeria, Australia, Bolivia, Burkina Faso, Canada, Chile, Croatia, El Salvador, India, Japan, Jordan, Luxembourg (on behalf of the European Union), Morocco, Norway, Paraguay, Republic of Korea, Russian Federation, Serbia and Montenegro, Switzerland, the Syrian Arab Republic, Turkey, the United States of America and Venezuela (Bolivarian Republic of). (For the text, see chapter I, section A, draft resolution VI.) Prior to approval of the draft resolution, the representative of India made a statement in which he noted that, in a discussion in the Committee of the Whole, some representatives had pointed out that the third preambular paragraph of the draft resolution might be interpreted to alter the mandate of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996. The representative of the Office of Legal Affairs of the Secretariat confirmed such a possibility. It was clarified, however, that the preambular paragraph was not intended to alter or change the mandate contained in Assembly resolution 59/46 of

2 December 2004. Before the approval of the draft resolution, a representative of the Secretariat made a financial statement, the text of which is contained in annex VIII.

Chapter VII

Use and application of United Nations standards and norms in crime prevention and criminal justice

123. At its 8th and 9th meeting, on 26 and 27 May 2005, the Commission on Crime Prevention and Criminal Justice considered agenda item 8, entitled "Use and application of United Nations standards and norms in crime prevention and criminal justice". It had before it the following documents:

(a) Interim report of the Secretary-General on United Nations standards and norms in crime prevention and criminal justice (E/CN.15/2005/14);

(b) Report of the Intergovernmental Expert Group Meeting to Develop Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, held in Vienna on 15 and 16 March 2005 (E/CN.15/2005/14/Add.1);

(c) Report of the Secretary-General on action to promote effective crime prevention (E/CN.15/2005/15);

(d) Note by the Secretariat on capital punishment and safeguards guaranteeing protection of the rights of those facing the death penalty (E/CN.15/2005/16);

(e) Report of the Secretary-General on capital punishment and implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty (E/2005/3).

124. At its 8th meeting, on 26 May, following an introductory statement by the Secretariat, the Commission heard statements by the observers for Bolivia (on behalf of the Group of Latin American and Caribbean States) and Luxembourg (on behalf of the States members of the European Union and its candidate and potential candidate States), and by the representatives of Algeria, Austria, Canada, Egypt, Indonesia, Japan and Turkey. Statements were also made by the observers for Germany, Hungary and Portugal.

125. At its 9th meeting, on 27 May, the Commission heard statements by the observers for the Asia Crime Prevention Foundation, Defence for Children International, the European Institute for Crime Prevention and Control, affiliated with the United Nations, the Friends World Committee for Consultation, the International Centre for Criminal Law Reform and Criminal Justice Policy, the International Commission of Catholic Prison Pastoral Care, the International Society of Social Defence and Humane Criminal Policy, Pax Romana and Penal Reform International.

A. Deliberations

126. In his introductory statement, the representative of the Secretariat invited the Commission to watch a documentary film entitled "Making Standards Work", which had been commissioned by the United Nations Information Service and produced by Two Hands Free, a non-governmental organization. The video had been inspired by

the fiftieth anniversary of the adoption of the Standard Minimum Rules for the Treatment of Prisoners.[67]

127. Referring to the interim report of the Secretary-General on United Nations standards and norms in crime prevention and criminal justice (E/CN.15/2005/14), he noted that the main focus of the report was on developments in the use and application of standards and norms, in particular through the provision of technical assistance to requesting States in four areas: treatment of offenders and penal reform; the judiciary and law enforcement; children in conflict with the law; and protection of victims, thus placing the use and application of standards and norms in the broader context of the establishment of the rule of law and criminal justice reform. The report further outlined inter-agency coordination activities and participation by UNODC in United Nations system-wide initiatives in those areas.

128. With respect to the main findings of the seventh quinquennial survey on capital punishment and implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty (E/2005/3), covering the period 1999 to 2003, he recalled that the report had already been considered by the Commission on Human Rights at its sixty-first session, which had adopted Commission resolution 2005/59 on 20 April 2005. He also noted that 16 additional replies to the questionnaire for the seventh survey had been received since the submission of the report, which would be summarized in a future addendum.

129. The report of the Secretary-General on action to promote effective crime prevention (E/CN.15/2005/15) outlined current efforts of Member States to develop and strengthen policies in the field of crime prevention, inter-agency coordination and cooperation in crime prevention, as well as the strengthening or establishment of crime prevention networks at the international, regional and national levels and the provision of technical assistance by UNODC in this area.

130. Several speakers expressed their countries' support for the efforts of the United Nations to develop and disseminate standards and norms in criminal justice and to assist States in their use and application. In that regard, it was noted that the collective responsibility of the Commission was to ensure that there existed, at the international level, an evolving set of instruments that Member States could rely on to refine their existing criminal justice systems or on which to build their systems during a transitional period following a conflict. It was also observed that it was only through an integrated approach, combining the binding instruments and the existing standards and norms, that the international community could respond to the needs of States and promote international cooperation, in particular in post-conflict situations. In that regard, it was important to promote the widest possible dissemination of standards and norms, including in national languages and in university curricula, and their use as training materials, especially in the provision of technical assistance.

131. A number of speakers welcomed the periodic review of selected standards and norms, based on the cluster approach, as a standing item of the agenda of the

[67] *First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Geneva, 22 August-3 September 1955: report prepared by the Secretariat* (United Nations publication, Sales No. 1956.IV.4), annex I.A, and Economic and Social Council resolution 2076 (LXII).

Commission. Another speaker stressed that standards and norms were of limited value unless they were implemented by Member States, as had been recognized in the Bangkok Declaration. One speaker stated that her country was particularly interested in learning about the work of UNODC in relation to the issue of the elimination of violence against women.

132. The Chairperson of the Intergovernmental Expert Group Meeting to Develop Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime noted that the proposed guidelines that had been agreed upon by the Group represented an important step in the advancement of the rights of children in the criminal justice system. Having outlined the objectives of the guidelines and their principles, she explained that the section on implementation was directed at professionals, who should be trained to protect and meet the needs of child victims and witnesses effectively. She hoped that the positive spirit that had prevailed during the development of the Guidelines by the Intergovernmental Expert Group would be followed up by positive action by the Commission to adopt them.

133. Many delegations expressed their support for the proposed guidelines and recommended that the Commission should adopt them, although one speaker stated that the Expert Group had been convened at short notice and that preparations for such meetings could be improved.

134. With regard to the report on capital punishment and implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty, most speakers expressed their appreciation to the Secretariat for the work that had been accomplished, recommending that the Secretary-General should continue to collect information and continue to produce quinquennial reports, in accordance with relevant resolutions of the Economic and Social Council, so that the next report could be submitted to the Commission in 2010.

135. Many speakers who made reference to capital punishment expressed their countries' opposition to the use of capital punishment as it inherently constituted a violation of the right to life and human dignity. One speaker expressed the view that the deterrent effect of capital punishment had not been proven and that, in his country, the abolition of capital punishment had not led to an increase in crime. Several speakers expressed their country's commitment to working towards the universal abolition of the death penalty and in urging all States, in the meantime, to impose a moratorium on executions. Some speakers reported what they regarded as positive developments in their countries, one in relation to the total abolition of the death penalty and the others in relation to a progressive restriction of the scope of the death penalty and the imposition of a moratorium.

136. The importance of crime prevention, including crime prevention activities at the local and national levels, was stressed by several speakers, who also noted that the Guidelines for the Prevention of Crime (Economic and Social Council resolution 2002/13, annex) served as a significant reference for developing both crime prevention activities at the local level and national crime prevention strategies.

137. Several speakers reported on national projects in victim support and urban crime prevention. One speaker noted that developed countries had much to learn from the experience of developing countries, especially with regard to community crime prevention and the use of alternative mechanisms for conflict resolution.

138. With regard to standards and norms pertaining to the treatment of prisoners, one speaker noted that many countries had reported that they were experiencing difficulties in applying those standards and norms. The situation was often exacerbated by overcrowding and the spread of infectious diseases, including HIV/AIDS, which required urgent attention. In that context, drawing from the draft charter of fundamental rights of prisoners, which had been discussed at the Eleventh Congress, the speaker suggested that, as a direct response to the commitment made in paragraph 30 of the Bangkok Declaration, further consideration should be given to enhancing the implementation of existing standards in relation to prison management and to developing further standards for prisoners, including in respect of women offenders. Recalling the reference in the Vienna Declaration to women in the criminal justice system, one speaker drew the attention of the Commission to the particular problems that imprisonment imposed on women and their children. He encouraged States to promote alternatives to imprisonment for women and informed the Commission that his organization had developed guidelines for the treatment of children imprisoned with their mothers.

139. With regard to HIV/AIDS in prisons, some speakers welcomed the developments that had taken place in pursuance of Economic and Social Council resolution 2004/35 of 21 July 2004, in particular the convening by UNODC of a consultative meeting on HIV/AIDS in Vienna on 17 and 18 February 2005, which had resulted in a draft framework for national responses to HIV/AIDS prevention, care and support in prison settings. Speakers also noted that an ancillary meeting on HIV/AIDS in prison had been held during the Eleventh Congress and welcomed the fact that the Bangkok Declaration gave recognition to this important issue. One speaker drew the attention of the Commission to the extensive study on drug services and health-care provisions in prisons in Central and Eastern Europe, published and distributed by the European Institute for Crime Prevention and Control, affiliated with the United Nations.

140. Several speakers recalled the twentieth anniversary of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (General Assembly resolution 40/34, annex) and outlined recent initiatives in the area, in particular with regard to victims of terrorism in view of the trauma suffered by them and their kin. Some speakers also welcomed the fact that the Eleventh Congress had recognized the importance of further developing restorative justice policies, procedures and programmes.

141. In relation to children in conflict with the law and those who were victims of crime, some speakers reported recent positive developments in their countries, such as legislative changes to implement the Convention on the Rights of the Child (General Assembly resolution 44/25, annex) and programmes to protect child victims.

142. At the closing meeting, the observer for the American Society of Criminology, on behalf of the Alliance of Non-Governmental Organizations on Crime Prevention and Criminal Justice in New York and Vienna, paid a special tribute to Eduardo Vetere, Director of the Division for Treaty Affairs of UNODC, for his contribution to work on standards and norms in crime prevention and criminal justice. He acknowledged in particular Mr. Vetere's dedication and commitment to the implementation of standards and norms, his diplomatic skills, his charisma and

cooperative spirit, which encouraged the highest integrity and most professional behaviour among all those who crossed his path.

143. In his concluding remarks, the representative of the Secretariat welcomed the very useful discussions under the agenda item. He welcomed the proposals for initiatives in areas not yet covered by existing standards and norms and stressed the need to continue progress since the Standard Minimum Rules had been adopted 50 years ago. He went on to summarize the discussions on the abolition of capital punishment and the implementation of the safeguards guaranteeing the protection of those facing the death penalty and noted that tremendous progress had been made since the first survey. Concerning the protection of victims, he drew the attention of the Commission to the Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, approved by the Commission on Human Rights at its sixty-first session in its resolution 2005/35.

B. Action taken by the Commission

144. At its 11th meeting, on 27 May, the Commission recommended to the Economic and Social Council the adoption of a revised draft resolution entitled "Guidelines on justice in matters involving child victims and witnesses of crime" (E/CN.15/2005/L.2/Rev.1), sponsored by Algeria, Bolivia, Brazil, Burkina Faso, Canada, China, Côte d'Ivoire, Croatia, Egypt, El Salvador, Lebanon, Luxembourg (on behalf of the European Union), Mexico, Morocco, Namibia, Nigeria, Norway, Oman, Paraguay, Philippines, Qatar, South Africa, Sudan, Switzerland, the Syrian Arab Republic, Tunisia, Turkey, the United Arab Emirates, Yemen, Zambia and Zimbabwe. (For the text, see chapter I, section B, draft resolution I.) Before the approval of the draft resolution, a representative of the Secretariat made a financial statement, the text of which is contained in annex IX.

145. At the same meeting, the Commission recommended to the Economic and Social Council the adoption of a draft resolution entitled "Action to promote effective crime prevention" (E/CN.15/2005/L.9), sponsored by Australia, Bolivia (on behalf of the Group of Latin American and Caribbean States), Canada, Jordan and Luxembourg (on behalf of the European Union). (For the text, see chapter I, section B, draft resolution III.) Before the approval of the draft resolution, a representative of the Secretariat made a financial statement, the text of which is contained in annex X.

146. At the same meeting, the Commission recommended to the Economic and Social Council the adoption of a revised draft decision entitled "Report of the Secretary-General on capital punishment and the safeguards guaranteeing protection of the rights of those facing the death penalty" (E/CN.15/2005/L.7/Rev.1), sponsored by Canada, Croatia, El Salvador and Luxembourg (on behalf of the European Union), Serbia and Montenegro, Switzerland and Turkey. (For the text, see chapter I, section C, draft decision I.)

Chapter VIII

Strategic management and programme questions

147. At its 9th meeting, on 27 May 2005, the Commission on Crime Prevention and Criminal Justice considered agenda item 9, entitled "Strategic management and programme questions". For its consideration of the item, the Commission had before it the following documents:

(a) Report of the Secretary-General on assistance to least developed countries to ensure their participation in the sessions of the Commission on Crime Prevention and Criminal Justice and the sessions of the conferences of States parties (E/CN.15/2005/17);

(b) Report of the Executive Director on the intersessional work of the Commission on Crime Prevention and Criminal Justice, management of the United Nations Office on Drugs and Crime and financial status of the United Nations Crime Prevention and Criminal Justice Fund (E/CN.15/2005/18);

(c) Note by the Secretary-General on the proposed programme budget for the biennium 2006-2007 (E/CN.15/2005/19).

148. At the same meeting, following an introductory statement by the Director of the Division for Treaty Affairs of UNODC, the Commission heard statements by the representatives of Canada, Japan and the United States.

Deliberations

149. In his introductory statement, the Director of the Division for Treaty Affairs recalled that the Commission had traditionally paid great attention to the strategic management of the United Nations Crime Prevention and Criminal Justice Programme. He also recalled that, at its thirteenth session, the Commission had considered in-depth its functioning on the basis of a report of the Secretary-General on that subject (E/CN.15/2004/14 and Corr.1). He noted that the intersessional work of the Commission, carried out through the meetings of its bureau and its extended bureau, as well as the intersessional meetings of the Commission, continued to be crucial and had increased greatly, particularly in the past year as a result of the preparations for the Eleventh Congress. He pointed out that the report of the Executive Director on the intersessional work of the Commission on Crime Prevention and Criminal Justice, management of the United Nations Office on Drugs and Crime and financial status of the United Nations Crime Prevention and Criminal Justice Fund (E/CN.15/2005/18) contained not only an overview of the work of the Commission since its thirteenth session, but also information on the origin and evolution of the Fund, as well as the contributions to and financial status of the Fund. In expressing gratitude to the donor countries for their increased contributions, he noted with serious concern the very low and decreasing level of general-purpose contributions, which were essential for programme formulation and implementation. He suggested that, in view of the growth of the United Nations Crime Prevention and Criminal Justice Fund, the Commission might wish to review

Commission on Narcotic Drugs with respect to the Fund of the United Nations International Drug Control Programme. He invited the Commission to provide its views and guidance on the draft programme of work for the biennium 2006-2007, contained in the note by the Secretary-General on the proposed programme budget for the biennium 2006-2007 (E/CN.15/2005/19, annex). He noted that the proposals were based on the conclusions and recommendations of the Committee for Programme and Coordination on the proposed biennial programme plan for the period 2006-2007, which had been endorsed by the General Assembly in its resolution 59/275 of 23 December 2004. He recalled that the Commission, at its thirteenth session, had reviewed the proposed biennial programme plan for the strategic framework for 2006-2007 for programme 13 (International drug control, crime prevention and criminal justice), and its observations had been duly taken into account by the Committee for Programme and Coordination. Drawing the attention of the Commission to the report contained in document E/CN.15/2005/17, he stressed the crucial importance of assisting least developed countries in order to ensure their participation in the sessions of the Commission and the sessions of the conferences of States parties.

150. Appreciation was expressed for the efforts made by Member States and UNODC to improve and support the functioning of the Commission, including its work during the intersessional period. One representative noted that, while the duration of the sessions of the Commission should be determined by the substantive agenda, in general shorter sessions were preferable; in this context, he emphasized the need for draft proposals to be submitted one month prior to each session of the Commission in view of relevant earlier recommendations of the Commission. Another representative, noting that completing the work of the Commission in shortened sessions would come at a high price in terms of quality of work, stressed that the mandate of the Commission was to formulate policy on very specialized crime-related issues, which required extensive consultation and expert input from different national institutions. It was also emphasized that there was a need for more experts and policymakers to participate in the sessions of the Commission as members of national delegations. Therefore, a decision on the duration of the sessions of the Commission should be based on the substantive work to be accomplished. It was observed that holding the sessions of the Commission on Crime Prevention and Criminal Justice back-to-back with the sessions of the Commission on Narcotic Drugs would offer no advantages, as the composition of delegations to each Commission differed. It was also noted that holding back-to-back sessions of the two commissions would place increase to an unreasonable level the work demands on already meagre Secretariat resources, which would have a negative impact on the preparations for and conduct of both commissions. Another representative noted that his Government strongly advocated having a one-week session and not allowing the session to continue into a second week unless absolutely necessary. Still another representative noted that, in terms of examining issues of management and programming in order to produce concrete policy guidelines, it would not be appropriate at the present stage to consider holding the expert panel discussions or high-level round tables suggested in the report of the Secretary-General on the functioning of the Commission and the management of the United Nations Crime Prevention and Criminal Justice Fund (E/CN.15/2004/14,

151. One representative welcomed the level of dialogue between Member States and UNODC, particularly on broad-ranging operational and policy issues, and expressed support for the Executive Director's continuing efforts to improve management and performance, especially through the introduction of result-based management and the improvement of priority-setting, planning tools and field delivery, as well as for his efforts to improve integrity and transparency. He also expressed the support of his Government for the four-pillar organizational structure of UNODC (E/CN.15/2005/18, para. 15), noting that it had created an integrated approach to dealing with drug and crime problems while retaining the identity of the two programmes. Noting that his Government could not support an increase in the budget of UNODC, he stressed that his Government expected the proposed increases in UNODC's consolidated budget outline for 2006-2007 to be funded from voluntary contributions. It also supported the recommendations of the Advisory Committee on Administrative and Budgetary Questions, in particular that UNODC should maintain its focus on its core mandate of providing expertise in addressing problems involving crime and drugs, monitoring the ratio between the programme and support components of its budget. Noting the reality of unpredictable funding, resulting from fluctuating funding priorities of donor countries, he drew attention to the need to increase the donor base, drawing on the principle of shared responsibility, so as to overcome the traditional separation between donors and recipients. Another representative, in expressing support for the efforts to increase transparency and improve strategies, stated that his Government looked forward to further constructive dialogue with the Secretariat on budgetary matters.

152. The Director of the Division for Treaty Affairs, commenting on the discussion, recalled the provisions pertaining to the membership and functions of the Commission contained in the annex to General Assembly resolution 46/152 of 18 December 1991, in particular and the crucial role of the Commission in mobilizing resources. He noted the increased responsibilities of the secretariat of the Commission in servicing meetings, including the growing number of intersessional meetings. He pointed out that effective support could be provided to the Commission only if its secretariat were committed and adequately staffed. The Deputy Director-General of the United Nations Office at Vienna (UNOV) and Director of the Division for Management of UNOV/UNODC noted that the process of structural reform of UNODC had been completed and that every effort was being made to achieve further operational efficiencies, especially through efficient use of information technology. He noted that ProFi would soon be fully operational with respect to projects financed from the United Nations Crime Prevention and Criminal Justice Fund. He also stressed the crucial importance of increased general-purpose contributions, emphasizing that those resources needed to be viewed as core funding required to ensure core infrastructure and core staff for mandated programmes. The Director of the Division for Policy Analysis and Public Affairs referred to the research work undertaken by UNODC, including the proposed report on crime trends, a draft of which had been made available to the Eleventh Congress and the Commission for comment, as well as the first ever study on crime and development in Africa, which had been made available to the Commission. He also made reference to the pilot work currently under way on reinforcing result-based management.

Chapter IX

Provisional agenda for the fifteenth session of the Commission

153. At its 9th and 11th meetings, on 27 May 2005, the Commission on Crime Prevention and Criminal Justice considered agenda item 10, entitled "Provisional agenda for the fifteenth session of the Commission". For its consideration of the item, the Commission had before it a document containing the draft provisional agenda and documentation for the fifteenth session of the Commission on Crime Prevention and Criminal Justice (E/CN.15/2005/L.1/Add.1), which had been reviewed by the extended bureau of the Commission.

154. At its 9th meeting, on 27 May, following an introductory statement by a representative of the Secretariat, the Commission heard statements by the representatives of Algeria, Canada, Egypt, Finland, India, the Russian Federation and the United States.

155. At the 11th meeting, on 27 May, statements were made by the representatives of Canada, India and the United States. The observers for Bolivia and the Netherlands also made statements.

A. Deliberations

156. In his introductory statement, the representative of the Secretariat noted that the five possible themes listed under item 4 of the draft provisional agenda for the fifteenth session of the Commission (E/CN.15/2005/L.1/Add.1) reflected the themes that had already been proposed at previous sessions of the Commission as possible priority issues for the thematic discussion. The proposals for the prominent theme were as follows:

(a) Domestic violence;

(b) Money-laundering and the financing of criminal activities and terrorism;

(c) Globalization and economic crime;

(d) Transnational organized crime and terrorism: links, concepts and the international response;

(e) Maximizing the effectiveness of technical assistance provided to Member States in crime prevention and criminal justice.

157. The ensuing discussion referred not only to the themes proposed at earlier sessions, but also to past efforts by the Commission to select the themes for its thematic discussion for two sessions at a time. In addition, one representative suggested using the proposed theme referred to in paragraph [156] (a) above could be the basis for the theme for the fifteenth session of the Commission, but indicated that the theme should be broadened to "Preventing violence", whereby domestic violence could be included among the issues to be discussed under that theme. Another representative suggested another theme for the fifteenth session, namely "Preventing violence: enhancing the safety of our homes and our streets". There was

also a suggestion that the proposal referred to in paragraph [156] (a) above should be reformulated as "Spousal abuse" and should be considered for the prominent theme for the fifteenth session. It was also suggested that the proposal referred to in paragraph [156] (c) above could be the prominent theme for the sixteenth session, as it would complement the study on fraud and identity theft to be submitted to the Commission at that session. Given the range of the proposed themes and the diversity of views, the Chairman of the Commission invited interested delegations to conduct informal consultations to ascertain whether consensus could be reached and to report back to the Commission on that matter.

158. The representative of Canada, reporting on the outcome of the informal consultations, informed the Commission that discussions had been held with over 30 delegations from all regional groups. A majority of those consulted had expressed support for the proposal "Maximizing the effectiveness of technical assistance provided to Member States in crime prevention and criminal justice" as the prominent theme for the thematic discussion at the fifteenth session of the Commission. However, the Commission was not able to reach consensus on the prominent theme for the fifteenth session, as a number of representatives had indicated that further clarification regarding the scope of the prominent theme was needed and that some of the other proposals made at earlier sessions should be given precedence, while other representatives had noted that they were currently not in a position to endorse a prominent theme and they needed to have further consultations with their Governments on that matter. One representative stated that the Commission should devote sufficient time at its fifteenth session to discuss the proposed themes for the thematic discussion for future sessions and urged other participants to be prepared to discuss those proposals at that session.

B. Action taken by the Commission

159. At its 11th meeting, on 27 May, the Commission approved for adoption by the Economic and Social Council a draft decision containing the provisional agenda for its 15th session, on the understanding that the provisional agenda, including the prominent theme for the thematic discussion, would be finalized at the intersessional meetings of the Commission on the basis of the proposals discussed at the fourteenth session. (For the text of the draft decision, see chapter I, section C, draft decision III.)

Chapter X

Adoption of the report of the Commission on its fourteenth session

160. At its 11th meeting, on 27 May, the Commission adopted by consensus the report on its fourteenth session (E/CN.15/2005/L.1 and Add.1-7), as orally amended.

Chapter XI

Organization of the session

A. Opening and duration of the session

161. The Commission on Crime Prevention and Criminal Justice held its fourteenth session in Vienna from 23 to 27 May 2005. The Commission held 11 plenary meetings and 8 meetings of the Committee of the Whole.

162. The Chairman of the Commission opened the session. The Commission was also addressed by the observer for the Philippines (on behalf of the Group of 77 and China), the representative of Egypt (on behalf of the Group of African States) and the observer for Bolivia (on behalf of the Group of Latin American and Caribbean States). The Commission also heard statements by the Executive Director of UNODC, the Vice-Minister of Justice of China and the Minister of Justice and Attorney-General of Nigeria.

B. Attendance

163. The fourteenth session was attended by representatives of 35 States members of the Commission. Also attending were observers for 65 other States Members of the United Nations, 16 representatives of entities of the United Nations system and observers for the institutes of the United Nations Crime Prevention and Criminal Justice Programme network, 12 intergovernmental organizations, 2 other entities maintaining permanent observer offices and 31 non-governmental organizations in consultative status with the Economic and Social Council. A list of participants is contained in annex I to the present report.

C. Election of officers

164. The Chairman of the Commission recalled that, in its resolution 2003/31 of 22 July 2003, entitled "Functioning of the Commission on Crime Prevention and Criminal Justice", the Economic and Social Council had decided that, with effect from 2004, the Commission should, at the end of its session, elect its bureau for the subsequent session and encourage it to play an active role in the preparation of the regular as well as the informal intersessional meetings of the Commission.

165. In accordance with Council resolution 2003/31 and rule 16 of the rules of procedure of the functional commissions of the Economic and Social Council, immediately following the closure of its thirteenth session, on 20 May 2004, the Commission held a meeting of the fourteenth session for the sole purpose of electing the new chairman and other members of the Bureau.

166. On 20 May, the Commission elected the following officers for its fourteenth session:

Office	*Regional group*	*Elected officer*
Chairman:	Group of Latin American and Caribbean States	Oscar Cabello Sarubbi (Paraguay)
Vice-Chairmen:	Group of Western European and other States	Gabriele De Ceglie (Italy)
	Group of Asian States	Somkiati Ariyapruchya (Thailand)
	Group of African States	Taous Feroukhi (Algeria)
Rapporteur:	Group of Eastern European States	Vesna Vuković (Croatia)

167. During the intersessional period, the elected second Vice-Chairman of the Commission became unavailable. At its opening meeting, on 23 May 2005, in accordance with rule 19 of the rules of procedure of the functional commissions of the Economic and Social Council, the Commission elected as its second Vice-Chairman Adisak Panupong (Thailand).

168. The Commission unanimously approved the officers for its fourteenth session. A group composed of the chairmen of the five regional groups (the representatives of Egypt, Pakistan, Bulgaria, Bolivia and Greece), as well as the representative of Indonesia (on behalf of the Group of 77 and China) and the observer for Luxembourg (on behalf of the European Union), was established to assist the Chairman of the Commission in dealing with organizational matters. That group, together with the elected officers, constituted the extended bureau foreseen in Economic and Social Council resolution 2003/31. During the fourteenth session of the Commission, the extended bureau met on two occasions to consider matters related to the organization of work.

D. Adoption of the agenda and organization of work

169. At its 1st meeting, on 23 May, the Commission adopted by consensus its provisional agenda (E/CN.15/2005/1 and Corr.1), which had been approved by the Economic and Social Council in its decision 2004/242 of 21 July 2004. The Commission also adopted by consensus the annotations to the provisional agenda and its organization of work, as orally amended. The agenda was as follows:

1. Election of officers.
2. Adoption of the agenda and organization of work.
3. Work of the United Nations Office on Drugs and Crime.
4. Consideration of the conclusions and recommendations of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice.
5. Follow-up to the plans of action for the implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century.
6. International cooperation in combating transnational crime.

7. Strengthening international cooperation and technical assistance in preventing and combating terrorism.

8. Use and application of United Nations standards and norms in crime prevention and criminal justice.

9. Strategic management and programme questions.

10. Provisional agenda for the fifteenth session of the Commission.

11. Adoption of the report of the Commission on its fourteenth session.

E. Documentation

170. The documents before the Commission at its fourteenth session are listed in annex XI to the present report.

F. Closure of the fourteenth session

171. Closing statements were made by the Executive Director of UNODC and the Chairman of the Commission.

Annex I

Attendance

Members*

Algeria	Taous Feroukhi, Nabil Hattali, Nassima Baghli, Mohamed Oualitsene, Mohamed Chakour, Thouraya Benmokrane, Nacer Zakour
Austria	Thomas Stelzer, Roland Miklau, Hans Frochlich, Wolfgang Spadinger, Michael Postl, Irene Gartner, Ulrike Kathrein, Katja Hengerer, Brigitte Pfriemer, Christian Bochm, Maria Steinbauer, Stefan Benner, Johann Haller
Brazil	Celso Marcos Vieira de Souza, Carmen Lidia Richter Ribeiro Moura, Antenor Madruga, Janer Tesch, Hélio Leão, Maria Feliciana Ortigão, Carlos Eduardo da Cunha Oliveira
Burundi	Joseph Ntabishimwa
Canada	Donald K. Piragoff, Yves Beaulieu, Lucie Angers, Mark Richardson, Mary-Anne Kirvan, Christopher Ram, Jocelyn Sigouin
China	Fangping Fan, Hailong Wu, Feng Zhou, Shukun Li, Dong Wang, Yisheng Ren, Yong Sun, Yong Zhou, Yang Guo, Haigang Yin, Yongxia Ma, Qiuzhen Wu, Xuejun Cao, Bingyao Ge, Ran Liang, Jinying Song
Comoros	Mahmoud Aboud
Croatia	Vladimir Matek, Željko Horvatić, Ljiljana Vidopija Čengić, Josip Čule, Ranko Vilović, Sanja Strmac, Vesna Vuković, Marko Tomičić
Cuba	Maria Esther Reus Gonzalez, José Ramón Cabañas Rodriguez, Luis Prado Garcia, Jorge Leslie Bodes Torres, Resfel Pino Alvarez
Czech Republic	Ivan Počuch, Miraslav Scheinost, Radim Bureš, Pavel Novotný, Petr Havlik
Egypt	Ramzy Ezzeldin Ramzy, Moushira Khattab, Elbishry Elshourbagy, Mohsen El Attawy, Abdel Wahab Bekir, Recham Khalil
El Salvador	Byron Fernando Larios López, Mario Castro Grande
Finland	Tom Groenberg, Matti Joutsen, Kaarle J. Lehmus, Aarne Kinnunen, Pia Raassina, Tarja Kangaskorte
India	Sheel Kant Sharma, Radhika Lokesh, A. K. Srivastava, D. D. Padsalgikar, Hemant Karkare

* Botswana, the Central African Republic, Ethiopia, Gambia, Mauritania and Nicaragua were not represented at the session.

Indonesia	I. A. Samodra Sriwidjaja, Immanuel Robert Inkiriwang, Parman Soeparman, Rachmat Budiman, Darianto Harsono, Dian Kusumaningsih, Darmawel Aswar, Shanti Damayanti
Iran (Islamic Republic of)	Pirooz Hosseini, Ali Hajigholam Saryazdi, Mahmoud Khani Jooyabad, Esmaeel Baghaee Hamaneh
Italy	Gabriele De Ceglie, Alessandro Azzoni, Luca Zelioli, Stefano Dambruoso, Nicola Maiorano, Vittorio Benedetto Borghini, Silvia Santucci, Giovanni Cangelosi, Elisa Roma, Roberto Panetta, Federica Curtol
Jamaica	Glenmore Hinds, Karl Hamilton
Japan	Yukio Machida, Seiji Morimoto, Kunihiko Sakai, Yukio Kai, Yasuhiro Tanabe, Takafumi Sato, Yoshimitsu Yamauchi, Isao Shimamura, Akira Okamoto, Rei Matsumoto, Nobuhiko Sakumi, Satoko Toku
Mexico	Miguel Angel Yunes Linares, Patricia Espinosa Canteliano, Guillermo Hernández Salmeron, Fausto Armando Vivanco Castellanos, Enrique Ramirez Gómez, Rubén Ponce Gonzalez
Nigeria	Akinlolu Olujinmi, Biodun Owoseni, Carol Ndaguba, Yemi Akinseye George, Olawale Maiyegun, U. S. Haruna, Basil Udotai, Bola Odugbesan, Offem Ikip Uket
Pakistan	Ali Sarwar Naqvi, Sajid Bilal, Muhammad Shoaib Suddle, Malik Naveed Khan
Paraguay	Oscar Cabello Sarubbi, Carlos Ortiz Barrios, Gustavo López Bello, Lilian Marcela Afara Corrales, Luis Benitez Rodriguez, Raúl Martinez Villalba
Peru	Harry Belevan McBride, Edgardo Hopkins Torres, Carmen Azurin Araujo
Republic of Korea	Chang-beom Cho, Chong-hoon Kim, Jae-wan Lee, Kyung-ah Lee, Hyug-sang Ryoo, Wan-sik Lee, Nack-song Sung, Nam-su Koo, Joon-oh Jang, Han-kyun Kim
Russian Federation	Vladimir V. Andreev, Victor I. Zagrekov, Sergey P. Bulavin, Alexander F. Merkukhin, Alexander V. Dashko, Valery A. Grobovoy, Alexey B. Egorov, Arkady V. Tonkoglas, Dmitry R. Okhotnikov, Alexander A. Borisov, Evgeny A. Zhuravlev, Irina V. Silkina, Nadejda A. Petrova
Saudi Arabia	Abdullah bin Abdulaziz Al Yousef, Omar bin Mohammed Kurdi, Mohsin Abdulrahman Al Yami, Mutlaq bin Saleh Al Dabjan, Saleh bin Abdallah Al Ghamedi, Abdulaziz bin Abdulrahman Al Salem, Hamad bin Suleiman Al Nathir, Abdulaziz bin Saleh Al Hasan, Abdelhamid bin Abdulaziz Al Ghalikah, Saud Al Mutlaq

Thailand	Kampree Kaocharern, Adisak Panupong, Thongthong Chandransu, Somchai Charanasomboon, Sirisak Tiyapan, Piyatida Jermhansa, Ampa Vanichchatchawan, Narintip Siravanich, Amnart Netayasupha, Sunisa Sathapornsermsuk, Boonying Sritan, Nuntarath Tepdoichai, Vongthep Arthakaivalvatee, Pimwadee Sovaratanapong, Udomkaan Warotamasikkhadit, Tharuetawan Vanaphat, Orawan Patcha, Manop Chomcheun, Adisak Chantvirach, Chaisuwat Thungngern, Jintawalai Voranuch, Sasin Sookjaras
Turkey	Ahmet Ertay, Bekir Uysal, Tufan Hocbek
Uganda	Johnson O. R. Byabashaija
Ukraine	Volodymyr Yel'chenko, Volodymyr Krokhmal, Yuriy Sevruk, Vsevolod Sobko, Anatoliy Belayev, Volodymyr Omelyan, Valeriy Pidpalyi, T. Schevchenko
United Kingdom of Great Britain and Northern Ireland	Peter Storr, Linda Ward, Matthew Allen, Charles Stevens, Sarah Dring, Alison Crocket, Sharon Boyle
United States of America	Elizabeth Verville, George Glass, John Bargeron, Jay Albanese, Adam Bloomquist, Thomas Burrows, Brian Carbaugh, Christine Cline, Michael Garuckis, Virginia Prugh, Linda Samuel, Betty-Ellen Shave, Howard Solomon, C. Scott Thompson, Heather Von Behren
Zambia	Monty Matapo Mulikita, Steve Samatunga, Gibson Namakando Nawa, Alfonso Zulu, Mwila Chibwe, Keith Hastings Mapenzi Mweemba, Mwaba Makasa

States Members of the United Nations represented by observers

Afghanistan, Albania, Angola, Argentina, Australia, Azerbaijan, Belgium, Bolivia, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Chile, Colombia, Côte d'Ivoire, Cyprus, Denmark, Ecuador, Estonia, France, Germany, Greece, Guatemala, Hungary, Iraq, Ireland, Jordan, Kenya, Kuwait, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Malta, Morocco, Myanmar, Namibia, Netherlands, Norway, Oman, Philippines, Poland, Portugal, Qatar, Romania, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Syrian Arab Republic, the former Yugoslav Republic of Macedonia, Tunisia, United Arab Emirates, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe

United Nations Secretariat

Office of Legal Affairs, Department of Economic and Social Affairs, United Nations Office on Drugs and Crime

United Nations research institutes

United Nations Institute for Disarmament Research, United Nations Interregional Crime and Justice Research Institute

Affiliated regional institutes and associated institutes

Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, Latin American Institute for the Prevention of Crime and the Treatment of Offenders, European Institute for Crime Prevention and Control, affiliated with the United Nations, International Centre for Criminal Law Reform and Criminal Justice Policy, International Institute of Higher Studies in Criminal Sciences, International Centre for the Prevention of Crime, Korean Institute of Criminology, International Scientific and Professional Advisory Council

United Nations councils, commissions, committees and other organs represented by observers

United Nations Commission on International Trade Law

Specialized agencies and other organizations in the United Nations system

United Nations Industrial Development Organization, International Atomic Energy Agency

Other intergovernmental organizations represented by observers

Asian-African Legal Consultative Organization, Council of Arab Ministers of the Interior, Council of Europe, Council of the European Union, Economic Community of West African States, European Community, International Organization for Migration, League of Arab States, Offshore Group of Banking Supervisors, Organization for Security and Cooperation in Europe, Organization of American States, Organization of the Islamic Conference

Other entities maintaining permanent observer offices

International Federation of Red Cross and Red Crescent Societies, Sovereign Military Order of Malta

Non-governmental organizations

General consultative status: Asia Crime Prevention Foundation, Friends World Committee for Consultation, International Alliance of Women, International Council of Women, International Federation of Business and Professional Women,

Soroptimist International, World Federation of United Nations Associations, World Muslim Congress, World Organization of the Scout Movement, Zonta International

Special consultative status: American Bar Association, American Society of Criminology, Defence for Children International, International Association against Drug Abuse and Drug Trafficking, International Association of Prosecutors, International Bar Association, International Bureau for Children's Rights, International Commission of Catholic Prison Pastoral Care, International Council on Alcohol and Addictions, International Federation of University Women, International League for Human Rights, International Police Association, International Society of Social Defense, Italian Centre of Solidarity, Japan Federation of Bar Associations, National Council of German Women's Organizations, Open Society Institute, Pax Romana, Penal Reform International, Socialist International Women

Roster: SOS Attentats

Annex II

Financial statement on the draft decision entitled "Round Table for Africa: crime and drugs as impediments to security and development in Africa: strengthening the rule of law"*

1. The present statement was made in accordance with rule 28 of the rules of procedures of the functional commissions of the Economic and Social Council.

2. In subparagraphs (a) and (b) of draft decision E/CN.15/2005/L.13, the Commission on Crime Prevention and Criminal Justice would recommend that the Economic and Social Council decide:

(a) To request the Secretary-General to mandate the United Nations Office on Drugs and Crime (UNODC) to organize, within available extrabudgetary resources, not excluding the use of existing resources from the regular budget of UNODC,[a] the Round Table for Africa in coordination with the African Union and interested Member States;

(b) To request the Secretary-General to mandate UNODC to convene the Round Table for Africa before the end of 2005.

3. A preliminary estimate of the activities envisaged under paragraph (b) would amount to $447,700. It is envisaged that the implementation of the above-mentioned activities would be funded from extrabudgetary resources.

4. The attention of the Commission is drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters; and reaffirmed also the role of the Advisory Committee on Administrative and Budgetary Questions.

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* For the text of the draft decision, which originally appeared under the symbol E/CN.15/2005/L.13, see chapter I, section C, draft decision II. For the discussion, see chapter II, section B.

[a] This new language does not provide a basis for an increase in the regular budget or requests for supplemental increases.

Annex III

Financial statement on the draft resolution entitled "Strengthening reporting on crime"*

1. The present statement was made in accordance with rule 28 of the rules of procedures of the functional commissions of the Economic and Social Council.

2. In operative paragraph 1 of the draft resolution entitled "Strengthening reporting on crime", the Commission on Crime Prevention and Criminal Justice would recommend that the Economic and Social Council recommend that the Secretary-General convene an open-ended expert group, within available extrabudgetary resources, not excluding the use of existing resources from the regular budget of the United Nations Office on Drugs and Crime (UNODC), to consider ways and means of improving crime data collection, research and analyses with a view to enhancing the work of UNODC and other relevant international entities, in particular the United Nations Interregional Crime and Justice Research Institute, as appropriate, to enhance international cooperation and law enforcement.

3. The attention of the Commission is drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters and reaffirmed also the role of the Advisory Committee on Administrative and Budgetary Questions.

* For the text of the draft resolution, which originally appeared under the symbol E/CN.15/2005/L.10, see chapter I, section B, draft resolution IV. For the discussion, see chapter III, section C.

Annex IV

Financial statement on the revised draft resolution entitled "Model bilateral agreement on the sharing of confiscated proceeds of crime or property covered by the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988"*

1. The present statement was made in accordance with rule 28 of the rules of procedures of the functional commissions of the Economic and Social Council.

2. In operative paragraph 8 of revised draft resolution E/CN.15/2005/L.3/Rev.1, the Commission on Crime Prevention and Criminal Justice would recommend, through the Economic and Social Council, that the General Assembly request the United Nations Office on Drugs and Crime (UNODC) to provide to Member States, at their request, technical assistance and advice, within available extrabudgetary resources, not excluding the use of existing resources from the regular budget of UNODC,[a] to give effect to the arrangements to be made pursuant to agreements to be negotiated on the basis of the Model Bilateral Agreement on the Sharing of Confiscated Proceeds of Crime or Property.

3. By its resolution 59/277 A of 23 December 2004, the General Assembly approved regular budget resources totalling $10,040,200 under section 16, Crime prevention and criminal justice, and $949,300 under section 23, Regular programme of technical cooperation, for the biennium 2004-2005. In addition, at the time of the adoption of its resolution 58/271 A of 23 December 2003, the Assembly was informed that extrabudgetary resources were projected at $6,848,900 for the same period.

4. The attention of the Commission is drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters and reaffirmed also the role of the Advisory Committee on Administrative and Budgetary Questions.

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* For the text of the revised draft resolution, which originally appeared under the symbol E/CN.15/2005/L.3/Rev.1, see chapter I, section A, draft resolution I. For the discussion, see chapter V, section B.

[a] This new language does not provide a basis for an increase in the regular budget or requests for supplemental increases.

Annex V

Financial statement on the revised draft resolution entitled "International cooperation in the fight against transnational organized crime"*

1. The present statement was made in accordance with rule 28 of the rules of procedures of the functional commissions of the Economic and Social Council.

2. In operative paragraph 8 of revised draft resolution E/CN.15/2005/L.6/Rev.1, the Commission on Crime Prevention and Criminal Justice would recommend, through the Economic and Social Council, that the General Assembly request the Secretary-General to continue to provide the United Nations Office on Drugs and Crime with the resources necessary to enable it to promote, in an effective manner, the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto and to discharge its functions as the secretariat of the Conference of the Parties to the Convention in accordance with its mandate.

3. By its resolution 59/277 A of 23 December 2004, the General Assembly approved regular budget resources totalling $10,040,200 under section 16, Crime prevention and criminal justice, and $949,300 under section 23, Regular programme of technical cooperation, for the biennium 2004-2005. In addition, at the time of the adoption of its resolution 58/271 A of 23 December 2003, the Assembly was informed that extrabudgetary resources were projected at $6,848,900 for the same period.

4. The attention of the Commission is drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters and reaffirmed also the role of the Advisory Committee on Administrative and Budgetary Questions.

* For the text of the revised draft resolution, which originally appeared under the symbol E/CN.15/2005/L.6/Rev.1, see chapter I, section A, draft resolution IV. For the discussion, see chapter V, section B.

Annex VI

Financial statement on the draft resolution entitled "Action against corruption: assistance to States in capacity-building with a view to facilitating the entry into force and subsequent implementation of the United Nations Convention against Corruption"*

1. The present statement was made in accordance with rule 28 of the rules of procedures of the functional commissions of the Economic and Social Council.

2. In operative paragraphs 6 and 7 of draft resolution E/CN.15/2005/L.11, the Commission on Crime Prevention and Criminal Justice would recommend, through the Economic and Social Council, that the General Assembly:

(a) Request the Secretary-General to provide the United Nations Office on Drugs and Crime (UNODC) with the resources necessary to enable it to promote, in an effective manner, the entry into force and implementation of the United Nations Convention against Corruption, inter alia, through the provision of assistance to developing countries and countries with economies in transition for building capacity in the areas covered by the Convention;

(b) Request the Secretary-General, within available extrabudgetary resources, not excluding the use of existing resources from the regular budget of UNODC,[a] to finalize the legislative guide for the United Nations Convention against Corruption and to consider preparing manuals and other tools designed to facilitate the implementation of the Convention.

3. By its resolution 59/277 A of 23 December 2004, the General Assembly approved regular budget resources totalling $10,040,200 under section 16, Crime prevention and criminal justice, and $949,300 under section 23, Regular programme of technical cooperation, for the biennium 2004-2005. In addition, at the time of the adoption of its resolution 58/271 A of 23 December 2003, the Assembly was informed that extrabudgetary resources were projected at $6,848,900 for the same period.

4. The attention of the Commission is drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters and reaffirmed also the role of the Advisory Committee on Administrative and Budgetary Questions.

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* For the text of the revised draft decision, which originally appeared under the symbol E/CN.15/2005/L.11, see chapter I, section A, draft resolution V. For the discussion, see chapter V, section B.

[a] This new language does not provide a basis for an increase in the regular budget or requests for supplemental increases.

Annex VII

Financial statement on the revised draft resolution entitled "Action against transnational organized crime: protection of witnesses"*

1. The present statement was made in accordance with rule 28 of the rules of procedures of the functional commissions of the Economic and Social Council.

2. In operative paragraph 4 of revised draft resolution E/CN.15/2005/L.5/Rev.1, the Commission would recommend, through the Economic and Social Council, that the General Assembly request the Secretary-General to convene, within available extrabudgetary resources, not excluding the use of existing resources from the regular budget of the United Nations Office on Drugs and Crime,[a] an open-ended intergovernmental group of experts, the composition of which should reflect equitable geographical representation and the diversity of legal systems, to exchange experiences and put forward suggestions and recommendations with regard to protecting witnesses and encouraging them to collaborate in the judicial process, taking into account ongoing work in that area.

3. A preliminary estimate of the cost to organize the meeting represented by one expert from each region for the duration of five days would amount to $23,000.

4. It is envisaged that the implementation of the above-mentioned activities would be funded from extrabudgetary resources. Hence, no additional appropriation would be required.

5. The attention of the Commission is drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters and reaffirmed also the role of the Advisory Committee on Administrative and Budgetary Questions.

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* For the text of the revised draft resolution, which originally appeared under the symbol E/CN.15/2005/L.5/Rev.1, see chapter I, section A, draft resolution III. For the discussion, see chapter V, section B.

[a] This new language does not provide a basis for an increase in the regular budget or requests for supplemental increases.

Annex VIII

Financial statement on the revised draft resolution entitled "Strengthening international cooperation and technical assistance in promoting the implementation of the universal conventions and protocols related to terrorism within the framework of the activities of the United Nations Office on Drugs and Crime"*

1. The present statement was made in accordance with rule 28 of the rules of procedures of the functional commissions of the Economic and Social Council.

2. In operative paragraphs 3, 5 and 7 of revised draft resolution E/CN.15/2005/L.12/Rev.1, the Commission on Crime Prevention and Criminal Justice would recommend, through the Economic and Social Council, that the General Assembly:

(a) Encourage the Terrorism Prevention Branch, in coordination with the Counter-Terrorism Committee and subject to the availability of extrabudgetary resources, to continue to ensure proper follow-up to its technical assistance activities, in cases where such follow-up is requested by Member States;

(b) Request the United Nations Office on Drugs and Crime (UNODC), using available extrabudgetary resources and not excluding the use of existing resources from the regular budget of UNODC, to finalize the draft guide for legislative incorporation and implementation of the universal instruments against terrorism and to develop it further to serve as a training tool when providing assistance to States, upon request, in capacity-building for the implementation of the universal instruments related to terrorism;

(c) Request UNODC, within available extrabudgetary resources, not excluding the use of existing resources from the regular budget of UNODC, to intensify its efforts to provide Member States with technical assistance, upon request, to strengthen international cooperation in preventing and combating terrorism through the facilitation of the implementation of the universal conventions and protocols related to terrorism.

3. The attention of the Commission is drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters and reaffirmed also the role of the Advisory Committee on Administrative and Budgetary Questions.

* For the text of the revised draft resolution, which originally appeared under the symbol E/CN.15/2005/L.12/Rev.1, see chapter I, section A, draft resolution VI. For the discussion, see chapter VI, section B.

Annex IX

Financial statement on the revised draft resolution entitled "Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime"*

1. The present statement was made in accordance with rule 28 of the rules of procedures of the functional commissions of the Economic and Social Council.

2. In operative paragraph 4 of revised draft resolution E/CN.15/2005/L.2/Rev.1, the Commission on Crime Prevention and Criminal Justice would recommend that the Economic and Social Council call upon the United Nations Office on Drugs and Crime (UNODC) to provide technical assistance, within available extrabudgetary resources, not excluding the use of existing resources from the regular budget of UNODC,[a] as well as advisory services, to Member States, upon request, to assist them in the use of the Guidelines on Justice on Matters involving Child Victims and Witnesses of Crime.

3. By its resolution 59/277 A of 23 December 2004, the General Assembly approved regular budget resources totalling $10,040,200 under section 16, Crime prevention and criminal justice, and $949,300 under section 23, Regular programme of technical cooperation, for the biennium 2004-2005. In addition, at the time of the adoption of its resolution 58/271 A of 23 December 2003, the Assembly was informed that extrabudgetary resources were projected at $6,848,900 for the same period.

4. The attention of the Commission is drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters and reaffirmed also the role of the Advisory Committee on Administrative and Budgetary Questions.

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* For the text of the revised draft resolution, which originally appeared under the symbol E/CN.15/2005/L.2/Rev.1, see chapter I, section B, draft resolution I. For the discussion, see chapter VII, section B.

[a] This new language does not provide a basis for an increase in the regular budget or requests for supplemental increases.

Annex X

Financial statement on the draft resolution entitled "Action to promote effective crime prevention"*

1. The present statement was made in accordance with rule 28 of the rules of procedures of the functional commissions of the Economic and Social Council.

2. In operative paragraphs 4 and 5 of the draft resolution entitled "Action to promote effective crime prevention", the Commission on Crime Prevention and Criminal Justice would recommend that the Economic and Social Council:

(a) Request the United Nations Office on Drugs and Crime (UNODC), within available extrabudgetary resources, not excluding the use of existing resources from the regular budget of UNODC,[a] to continue the action undertaken pursuant to Council resolution 2004/28 of 21 July 2004 in relation to gathering information on standards and norms in crime prevention and criminal justice, given the importance of this as a platform for the exchange of information and successful practices in crime prevention, and call upon Member States to give voluntary contributions to that end;

(b) Request UNODC to pay due attention to crime prevention, with a view to achieving a balanced approach between crime prevention and criminal justice responses, to further developing initiatives on crime prevention, within available extrabudgetary resources, not excluding the use of existing resources from the regular budget of UNODC,[a] and to promoting such work, where appropriate, with relevant international development organizations involved with sustainable livelihood.

3. The attention of the Commission is drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters and reaffirmed also the role of the Advisory Committee on Administrative and Budgetary Questions.

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* For the text of the revised draft resolution, which originally appeared under the symbol E/CN.15/2005/L.9, see chapter I, section B, draft resolution III. For the discussion, see chapter VII, section B.

[a] This new language does not provide a basis for an increase in the regular budget or requests for supplemental increases.

Annex XI

List of documents before the Commission at its fourteenth session

Document number	*Agenda item*	*Title or description*
E/CN.15/2005/1 and Corr.1	2	Provisional agenda, annotations and proposed organization of work
E/CN.7/2005/6-E/CN.15/2005/2	3	Report of the Executive Director on development, security and justice for all
E/CN.15/2005/3	3	Report of the Secretary-General on the implementation of technical assistance projects in Africa by the United Nations Office on Drugs and Crime
E/CN.15/2005/4 and Add.1	3	Report of the Secretary-General on the activities of the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network
E/CN.15/2005/5	4	Note by the Secretariat on the Eleventh United Nations Congress on Crime Prevention and Criminal Justice
E/CN.15/2005/6	6	Report of the Secretary-General on the United Nations Convention against Transnational Organized Crime and the Protocols thereto
E/CN.15/2005/7	6	Report of the Secretary-General on the establishment of an intergovernmental expert group to prepare a draft model bilateral agreement on disposal of confiscated proceeds of crime covered by the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988
E/CN.15/2005/8	6	Report of the Secretary-General on strengthening international cooperation in preventing and combating trafficking in persons and protecting victims of such trafficking
E/CN.15/2005/9	6	Report of the Secretary-General on the United Nations Convention against Corruption
E/CN.15/2005/10	6	Report of the Secretary-General on illicit trafficking in protected species of wild flora and fauna

Document number	*Agenda item*	*Title or description*
E/CN.15/2005/11	6	Report of the Secretary-General on progress made by the Intergovernmental Expert Group to Prepare a Study on Fraud, the Criminal Misuse and Falsification of Identity
E/CN.15/2005/12	5	Report of the Secretary-General on follow-up to the plans of action for the implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century
E/CN.15/2005/13	7	Report of the Secretary-General on strengthening international cooperation and technical assistance in promoting the implementation of the universal conventions and protocols related to terrorism within the framework of the activities of the United Nations Office on Drugs and Crime
E/CN.15/2005/14	8	Interim report of the Secretary-General on United Nations standards and norms in crime prevention and criminal justice
E/CN.15/2005/14/Add.1	8	Report of the Intergovernmental Expert Group Meeting to Develop Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, held in Vienna on 15 and 16 March 2005
E/CN.15/2005/15	8	Report of the Secretary-General on action to promote effective crime prevention
E/CN.15/2005/16	8	Note by the Secretariat on capital punishment and safeguards guaranteeing protection of the rights of those facing the death penalty
E/CN.15/2005/17	9	Report of the Secretary-General on assistance to least developed countries to ensure their participation in the sessions of the Commission on Crime Prevention and Criminal Justice and the sessions of conferences of States parties
E/CN.15/2005/18	9	Report of the Executive Director on the intersessional work of the Commission on Crime Prevention and Criminal Justice, management of the United Nations Office on Drugs and Crime and financial status of the United Nations Crime Prevention and Criminal Justice Fund
E/CN.15/2005/19	9	Note by the Secretary-General on the proposed programme budget for the biennium 2006-2007

Document number	*Agenda item*	*Title or description*
E/2005/3	8	Report of the Secretary-General on capital punishment and implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty
E/CN.15/2004/L.1 and Add.1-7	11	Draft report
E/CN.15/2005/L.2/Rev.1	8	Guidelines on justice in matters involving child victims and witnesses of crime: revised draft resolution
E/CN.15/2005/L.3/Rev.1	6	Model bilateral agreement on the sharing of confiscated proceeds of crime or property covered by the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988: revised draft resolution
E/CN.15/2005/L.4/Rev.1	4	Eleventh United Nations Congress on Crime Prevention and Criminal Justice: revised draft resolution
E/CN.15/2005/L.5/Rev.1	6	Action against transnational organized crime: protection of witnesses: revised draft resolution
E/CN.15/2005/L.6/Rev.1	6	International cooperation in the fight against transnational organized crime: revised draft resolution
E/CN.15/2005/L.7/Rev.1	8	Report of the Secretary-General on capital punishment and the safeguards guaranteeing protection of the rights of those facing the death penalty: revised draft decision
E/CN.15/2005/L.8/Rev.1	6	Strengthening the technical cooperation capacity of the United Nations Crime Prevention and Criminal Justice Programme in the area of the rule of law and criminal justice reform: revised draft resolution
E/CN.15/2005/L.9	8	Action to promote effective crime prevention: draft resolution
E/CN.15/2005/L.10	4	Strengthening reporting on crime trends: draft resolution
E/CN.15/2005/L.11	6	Action against corruption: assistance to States in capacity-building with a view to facilitating the entry into force and subsequent implementation of the United Nations Convention against Corruption: draft resolution

Document number	*Agenda item*	*Title or description*
E/CN.15/2005/L.12/Rev.1	7	Strengthening international cooperation and technical assistance in promoting the implementation of the universal conventions and protocols related to terrorism within the framework of the activities of the United Nations Office on Drugs and Crime: revised draft resolution
E/CN.15/2005/L.13	3	Round Table for Africa: crime and drugs as impediments to security and development in Africa: strengthening the rule of law: draft decision
E/CN.15/2005/CRP.1	6	Draft United Nations counter-kidnap manual
E/CN.15/2005/CRP.2	4	Report by the International Scientific and Professional Advisory Council on the activities of non-governmental organizations and the ancillary meetings of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice
E/CN.15/2005/CRP.3	6	United Nations global report on trends in trafficking in humans
E/CN.15/2005/CRP.4	7	Paper presented by the League of Arab States on the Arab Regional Symposium on Combating Terrorism, held in Cairo on 16 and 17 February 2005
E/CN.15/2005/CRP.5	6	Questionnaire on fraud and the criminal misuse and falsification of identity (identity fraud)
E/CN.15/2005/CRP.6	6	Overview of technical assistance provided by the International Organization for Migration in support of the United Nations Convention against Transnational Organized Crime and the Protocols addressing Trafficking of Human Beings and Smuggling of Migrants
E/CN.15/2005/CRP.7	5	Summary of additional information received after the completion of the report of the Secretary-General on follow-up to the plans of action for the implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century (E/CN.15/2005/12)
E/CN.15/2005/NGO/1	8	Statement submitted by a group of non-governmental organizations on agenda item 8